

CONFERENCE ON COMPARATIVE AND INTERNATIONAL LAW

- International Conference -

- III^d edition -

June 23, 2023

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Section I.

Comparative Public Law

Friday, June 23, 2023

Online on Zoom

Keynote speakers:

Associate professor PhD. habil. **Cătălin-Silviu Săraru**, Faculty of Law, Bucharest University of Economic Studies

Lecturer **Radu Ștefan Pătru**, Faculty of Law, Bucharest University of Economic Studies

Associate professor **Mădălina Voican**, Faculty of Law, University of Craiova

! Each paper will be presented within 15 minutes

! Fiecare lucrare va fi prezentată în maxim 15 minute

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SCIENTIFIC PAPERS

10.00 - 11.00

PARDON POWER OF THE PRESIDENT OF NORTH MACEDONIA – USES AND MISUSES

Professor Renata TRENESKA DESKOSKA

*Law Faculty “Iustinianus Primus”,
University “Ss. Cyril and Methodius” in Skopje, North Macedonia*

Abstract

The President of the Republic of Macedonia, Gjorge Ivanov in 2016 pardoned 56 individuals. Some of them were pardoned more than once (the former Minister for Transport and Communications was pardoned 16 times, the former Minister for Interior was pardoned 13 times etc). Most of the pardoned persons were politicians or their close collaborators. The President’s explanations for the pardons were that he sought to help the country overcome political crisis, that the country had been facing for almost two years. This event raised many questions about the constitutional aspects of the pardons in North Macedonia, which will be analyzed in this paper. The analysis show that these pardons were unlawful and the presidential power was misused. Because similar questions about misuse of presidential pardons were debated in USA under Trump rule, this paper will also make comparisons of the (mis)use of presidential power to grant pardons in North Macedonia and in the USA. At the end the paper will discuss the possible legal solutions for overcoming the misuse of this power of the President of North Macedonia.

THE LEGAL FRAMEWORK FOR PPP IN CHINA -- CURRENT ISSUES, CHALLENGES AND FUTURE PERSPECTIVES – WITH REGARD TO THE FRENCH EXPERIENCE

Ph.D student Jingyi TIAN

Faculty of Law and Political Science, University of Aix-Marseille, France

Associate professor Banggui JIN

*Director of the Europe-Asia Research Institute, Faculty of Law and Political Science,
University of Aix-Marseille, France*

Abstract

In recent years, the relationship between the private and public sectors has changed in response to the challenges posed by economic globalisation, with the PPP model guiding the two subjects from a

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relationship of subordination and employment to one of equality and partnership. Such a partnership model is complex but revolutionary in that the government no longer acts as a regulator alone, but also becomes a participant in the market. It is because of the involvement of public power that a well-developed PPP legal framework is particularly important to prevent the abuse of public power and the emergence of inequalities in the market. China has also introduced the PPP model to solve a range of problems arising from accelerated urbanization, to meet the massive demand for public services and infrastructure development, and to deal with the government's financial difficulties. This article analyses the main problems and challenges that China currently faces in the regulation of PPP, before looking at ways of improving the legal framework for PPP in China, following the example of French law in this area.

PECULIARITIES OF CONSIDERATION OF CASES IN THE ECtHR REGARDING THE PROTECTION OF CONSTITUTIONAL HUMAN RIGHTS RELATED TO THE FOURTH GENERATION OF SOMATIC RIGHTS

Associate professor Tetiana TARASEVYCH

Department of Public and Legal Disciplines,

Vinnitsia State Pedagogical University named after Mykhailo Kotsiubynsky, Ukraine

PhD. Tetiana YUZKO

Department of Socio-Economic Disciplines,

Barsky Humanitarian Pedagogical College, Ukraine

PhD. Oksana HRABOVSKA

Department of Civil Procedure,

Taras Shevchenko National University of Kyiv, Ukraine

PhD. Olena ROMANOVA

Department of General Theoretical, Legal and Special Humanitarian Disciplines,

Kyiv University of Law National Academy of Sciences of Ukraine

PhD. Katerina LISOVA

Department of International Law, State Tax University, Ukraine

Abstract

The issue of the emergence, development, and existence of the most relevant, but least doctrinally researched human rights, which constitute the so-called fourth generation of such rights, with the acquisition of their wide social prevalence, requires appropriate theoretical elaboration and legal regulation. Because the fourth group of human rights is quite controversial, the law as a system of norms should give a quick and adequate reaction to such drastic social changes through their normative consolidation, in particular, the transformation of the constitutional and legal status of a person. The practice of the European Court of Human Rights continues to acquire fundamental importance in the

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context of the study of modern standards of somatic human rights of the fourth generation, which we will dwell on in more detail in this study. The general scientific, group, and special scientific research approaches, methods, and techniques were the methodological basis of scientific research. The purpose of the article is to carry out a legal analysis of the issue of protection of somatic rights through the prism of the judicial practice of the ECtHR.

SOCIAL MEDIA AND LEGAL CHALLENGES ON DATA PROTECTION IN CRIMINAL PROCEEDINGS. INTERNATIONAL STANDARDS AND THE CASE OF ALBANIA

Lecturer **Fjorida BALLAURI**

Faculty of Security and investigation, Security Academy of Albania

Abstract

Nowadays, with the development of technology and globalization, implementing the law and regulations on data protection is particularly important. Implementing the Law on Data Protection in Albania has faced several obstacles and challenges because of how the information is distributed daily in social media. Although there are some regulations, bylaws, and obligations for data processing and an independent institution specialized in this field, there are concerns about the administration and illegal dissemination of personal data. The issue of data protection during investigation, prosecution, and judgment is directly linked with the presumption of innocence and the due process of law. The way the media covers an article on a criminal case can sometimes influence the court's decision. Sometimes, the journalist, during the processing of the personal data of persons under investigation, may violate even the secrecy of the investigation. This article aims to analyze the legal framework on data protection in criminal proceedings in Albania and how implementing the law on data protection can affect the administration of justice.

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11.00 - 12.00

COMPETENT AUTHORITIES OF UKRAINE IN THE CONTEXT OF MUTUAL AGREEMENT PROCEDURE UNDER DOUBLE TAXATION TREATIES

Candidate of law sciences Pavlo SELEZEN

State Tax University, Irpin, Ukraine

Abstract

The article is dedicated to the identification of the issues related to competent authorities that might impact the efficiency and effectiveness of mutual agreement procedure (MAP) as a tax treaty-related mechanism in Ukraine. In this context, the author applies comparative method based on the provisions of the OECD Model Tax Convention on Income and on Capital (2017) as the primary method but also analyses the impact of the domestic law on the scope of powers and the functions of the competent authorities. There are three issues related to competent authorities that are considered by the author and might have negative impact on MAP as dispute resolution mechanism: (i) the uncertainty of option of delegation of powers of competent authority from the STS of Ukraine to the MoF of Ukraine; (ii) the ambiguity related to the impact of mutual agreements of competent authorities on the activity of other executive bodies of power at the domestic level; (iii) the absence of opportunity of competent authorities to initiate specific case MAP in case of the issuance by the MoF of Ukraine of the general tax consultations before their provisions are resulted in the actions of the tax authorities of Ukraine.

THE TASTE OF SIN: POLISH SUGAR TAX

Assistant professor Marcin BURZEC

*Faculty of Law, Canon Law and Administration,
John Paul II Catholic University of Lublin, Poland*

Abstract

Over the past decade, an increasing number of countries have chosen to introduce levies into their legal systems that burden the consumption of products that negatively affect health. These levies are part of the theoretical concept of the so-called sin tax, the main objective of which is to change consumer habits and raise money to prevent and combat the negative health effects associated with the consumption of unhealthy food. In Poland, a fee on foodstuffs, popularly known as a sugar tax, was introduced on 1 January 2021. It is imposed when beverages containing sugars, sweeteners and taurine and caffeine are placed on the domestic market. The purpose of this article is to analyse and review the legal provisions governing the sugar tax. The key question is whether it fits into the concept of the so-called sin tax, which, in principle, should be an instrument with which states significantly influence the level of public health of their citizens through its allocative and stimulative function. The objective was made possible by the application of two

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research methods: dogmatic and legal-comparative. Using these methods, it was possible to conclude that the sugar tax, which has been in force for more than two years, has design shortcomings that do not always allow it to achieve the objectives set by the legislator.

IMPACT AND CHALLENGES OF ARTIFICIAL INTELLIGENCE ON THE VIOLATION OF HUMAN RIGHTS AND INTERNATIONAL TRADE LAW

PhD. candidate Lirinda VAKO ABEDINI

International University of Struga, North Macedonia

PhD. candidate Albion KOPANI

Luarasi University, Albania

Professor Armen KADRIU

International University of Struga, North Macedonia

Abstract

Artificial intelligence (AI) has emerged as a powerful tool with the potential to revolutionize various aspects of society, including human rights and international trade. Applications of AI in every significant aspect of human life is beyond measure, but as AI systems become more prevalent and sophisticated, concerns arise about their impact on human rights and international trade law. Human Rights are the basic entitlements of all human beings in any society. The impact of AI on the established principles is majorly in two ways: the positive and the negative. AI technologies, while offering numerous benefits, can perpetuate discrimination, labor rights and job displacement, privacy rights, and hinder accountability. Biased algorithms and discriminatory practices can lead to unequal treatment, violating the principles of equality and non-discrimination. AI's data collection and analysis can compromise privacy, autonomy, and freedom of expression. The lack of transparency in AI decision-making processes can impede due process and access to justice. The purpose of this paper examines the theoretical framework of the interaction between the disciplines of international trade law and human rights, highlighting the challenges and implications associated with AI this emerging field. The analysis has revealed several areas where AI can potentially infringe upon human rights in the context of international trade.

THE IMPACT OF ACQUIS COMMUNAUTAIRE ON PUBLIC ADMINISTRATION IN FUNCTION OF EUROPEAN INTEGRATION

Lecturer Melihate TERMKOLLI

University of Prishtina "Hasan Prishtina", Kosovo

Abstract

This scientific paper aims to analyze the role of Acquis Communautaire in public administration in the context of the European integration process by examining the necessity of aligning public

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administration with the standards and Acquis Communautaire as a main challenge on the path to membership in the European Union. The objectives of the research study the challenges towards the implementation of the Acquis Communautaire, by analyzing the standards implemented by the public administrations for adaptation to the unified principles and evaluate the impact of this process on the functioning of the public administration. Research methods include analysis of official documents such as EU directives, regulations and court decisions, as well as reports and documents published by EU institutions, analysis of EU policies, case studies and comparative analysis of member country legislation and practices with *acquis communautaire*. The main results show that the implementation of *Acquis Communautaire* presents a number of different challenges for the public administration, such as the lack of human and institutional capacities, the process of legal and regulatory harmonization, and the need for profound changes in content and in organizational culture. However, it has been concluded that adapting the public administration to the *Acquis Communautaire*, is a complex and complicated process, which brings great benefits towards increasing efficiency and transparency, harmonizing legislation and respecting human rights.

12.00 - 13.00

THE RELATIONSHIP BETWEEN EU CITIZENSHIP AND THE RIGHT TO VOTE

Senior lecturer Gábor KURUNCZI

Faculty of Law and Political Science,
Pázmány Péter Catholic University, Budapest, Hungary

Abstract

One of the important questions of European integration and the history of the EU's development is whether the European community can move from an Europe of nations to the concept of a United States of Europe, and whether this is even a good goal for European integration. In a Europe unifying towards statehood, elections (and voting rights) must necessarily unify. This study examines the relationship between EU citizenship and the concept of electoral law (i.e. the definition of active and passive eligibility) – based on the analysis of the primary legal sources and the literature. In my opinion (based on my research), at the current stage of integration, it is not realistic to consider an alternative that would place EU citizenship (at least in terms of voting rights) alongside or even above national citizenship, either for European Parliament elections or for national parliamentary elections. However, while in the case of elections to the European Parliament there is a regulatory principle (namely nationality) which could at least be added to national citizenship as a kind of subsidiary rule, in the case of elections to national parliaments a change of the rules to an EU citizenship-based approach seems unthinkable.

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RECIDIVISM - CAUSE OF OVERCROWDING IN PRISONS IN ROMANIA

Lecturer Adriana Iuliana STANCU

*Faculty of Law and Administrative Sciences,
"Lower Danube" University in Galati, Romania*

Abstract

In the last month of 2021, the ministers of justice from the member states of the Council of Europe met in Venice and, at the initiative of the Italian presidency, discussed the role of restorative justice in criminal matters and adopted the Venice Convention. Statement. The Declaration follows the Recommendation (Rule 18) in recognizing the universal application of restorative justice for all types of crimes, even noting "the possible positive impact of restorative justice pathways and on countering the radicalization of individuals". Objectives: removing the material consequences of committing crimes and making prisoners aware of what it entails to restore the situation before the crime was committed, or what it entails to commit a new crime after conviction and partial execution. Proposal and Methodology: establishing a legal framework for obliging those released on parole to work, with their consent, to have the possibility of covering the damage from the legal garnishment of wages, with the active involvement of the state in establishing available jobs, as well as by offering advantages employers. Results and Discussions: Discussion in workshops, in direct meetings with prisoners, non-governmental organizations and the management of the Maximum-Security Penitentiary Galați, Romania, about the way in which it is possible to reintegrate prisoners into society after parole. Implications: Legislative changes, government decision-making to establish jobs in question.

UNVEILING ISRAEL'S CYBER LEGAL LANDSCAPE: A COMPREHENSIVE ANALYSIS OF CYBERSECURITY REGULATIONS AND POLICIES

Lecturer Adriana Iuliana STANCU

*Faculty of Law and Administrative Sciences,
"Lower Danube" University in Galati, Romania*

Dr. Tal PAVEL

Founder & Director, the Institute for Cyber Policy Studies, Israel

Abstract

The world's countries formulate laws, regulations and legal frameworks to define broad aspects of cyberspace within their domain, including institutions responsible for the local cyberspace, their areas of activity and responsibility, administrative subordination and even those who stand at their heads—including the definition of criminal activities in cyberspace, crime and terrorism, and topics such as the state's cyber borders and sovereignty, the citizens' online information security as well as their right to online privacy and the ways to ensure it. The research examines Israel's governmental activity to regulate

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cyberspace, the scope of the existing regulations and laws, their development over the years, and an attempt to fill in the gaps in the current regulation activities of cyberspace in Israel. The findings reveal that despite Israel being a cyber power based on various international indicators and media references over the years, and despite the activity of the Israel government starting in 1997 to regulate the issue of cyberspace, Israel currently lacks a governmentally approved cyber law defining Israeli cyberspace, institutions, activities and responsibilities. Further research may compare Israel's cyber regulations with other similar cyber nations and portray differences and lessons to be learned by Israel to regulate its cyberspace, in addition to Israel's involvement in international cyber conventions and regulations.

LEGALITY CHECKS TO FOSTER PUBLIC TRUST AND CONFIDENCE IN E-DEMOCRACY. NORWAY VS. ROMANIAN ARRANGEMENTS

Associate professor **Mădălina VOICAN**
Faculty of Law, University of Craiova, Romania

Abstract

The study analyses Romania's present legal framework for e-democracy to determine how much it facilitates or hinders the creation and implementation of e-democratic solutions. It then assesses the level of implementation of e-democracy solutions in Romania's 41 county capitals by examining the existence of e-democratic platforms and tools on their official websites. Given Romania's poor performance in the field of e-democracy in large cities, the study tries to identify the authorities responsible for fostering e-democracy through a comparative analysis of the mandates and competencies of these authorities in Romania and Norway. As a result, the study explores the extent to which the mandates and legality check competencies provided to authorities in both countries help to the promotion of the rule of law. The functions of the prefect as county governor in Romania and Norway are compared. Finally, the study generates specific recommendations to improve the involvement and effectiveness of Romanian authorities in promoting e-democracy, including measures for capacity development, improved coordination and cooperation among authorities, and appropriate resource allocation.

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13.00 - 14.00

ORGANIZED CRIME - ASPECTS OF COMPARATIVE LAW

Lecturer Aurel Octavian PASAT

Transfrontier Faculty, "Lower Danube" University in Galati, Romania

Abstract

The article analyzes the main features of organized crime at the current stage. It is noted that currently in the scientific literature there is still no comprehensive definition of organized crime that meets the requirements of modern realities, thus the author defines the concept of organized crime as one of the varieties of crime. Also, the article examines the criminal liability and the constitutive elements of the crime of forming an organized criminal group, under a comparative aspect. The relevance of the chosen theme is due to the current state of the fight against crime. Currently, one of the most important tasks facing not only law enforcement agencies, but also the entire society as a whole.

NEW TRENDS IN COMPARATIVE LAW: CROSS-FERTILISATION

Lecturer Andra IFTIMIEI

Faculty of Law, „Alexandru Ioan Cuza” University of Iași, Romania

Abstract

Comparative law has earned the right to be considered an autonomous science, on the one hand, and a working tool in dialogue with other legal systems, on the other. In the present study we aim to analyse the legal nature of the new cross-fertilisation trend, to identify the forms in which it takes shape, and to identify how the concept under analysis operates in the national legal order. Our working hypothesis is as follows: cross-fertilization is a phenomenon specific to comparative law which has its effects also in the case law of national supreme courts. The methods used are case study, literature review and the application of the theory of functionalism through comparative, presumptive and evaluative functions.

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MITIGATING CIRCUMSTANCES IN ITALIAN CRIMINAL LAW

PhD. student Vasile COMAN

Faculty of Law, „Titu Maiorescu” University of Bucharest, Romania

Abstract

The study addresses the issue of mitigating circumstances in Italian criminal law, by referring to the relevant legal provisions, the relevant Italian doctrine, with references to judicial case law. Similar to Romanian law, the institution of mitigating and aggravating circumstances also represents in Italian law an important component within the judicial individualization of criminal sanctions, but presenting important particularities in terms of structure, effects and the way of capitalization by the court, aspects that will be synthesized in the analysis that is the subject of the present research. At the same time, leveraging the comparative method, the study includes corresponding references to the Romanian criminal law, in force, and to the related doctrine.

DIGITAL WALLET: ECONOMIC AND LEGAL IMPLICATIONS IN THE DIGITAL ERA

PhD. student Daniela DUȚĂ

School of Advanced Studies of the Romanian Academy (SCOSSAR)

Legal Research Institute "Acad. Andrei Rădulescu", Romania

Isabelle OPREA

Senior Relationship Manager International Desk, Vista Bank Romania S.A., Romania

Abstract

This study examines the digital wallet and its economic and legal implications in the context of digital transformations in the current era. The digital wallet aims to be a way of managing financial transactions. Through this study, key aspects related to digital wallets are explored, including economic benefits and legal risks, starting with the digital euro and the European wallet for digital identity. Firstly, the economic implications of digital wallets are analyzed. The advantages are highlighted, such as the efficiency and convenience of financial transactions, easy access to financial services, and the growth of the digital economy. Secondly, the legal implications of digital wallets are examined, including the examination of European regulations in the field, recommendations, and legislative proposals. Issues such as electronic fraud, money laundering, tax evasion associated with the use of digital wallets, as well as the legal responsibility of financial service providers, are also addressed. The study emphasizes that digital wallets represent an innovation in the financial domain, with significant economic benefits. However, an appropriate legal approach is essential to address the associated risks and challenges, ensuring the security and protection of users' interests.

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14.00 - 15.00

THE RIGHT TO NON-SELF-INCRIMINATION AND THE FALSE TESTIMONY – COMPARATIVE LAW ASPECTS

Professor PhD. Habil. Anca-Lelia LORINCZ
"Lower Danube" University in Galati, Romania

Abstract

The present study approaches, in relation to the current realities, the issue of the consecration of the privilege against self-incrimination regarding the witness, by bringing to attention some aspects of comparative law regarding both the regulation of the right not to contribute to own accusation, and the criminalization of the act of false testimony. Using, as research methods, documentation, comparative scientific analysis and interpretation, the work presents the ways of regulating the right of the witness not to accuse himself in a series of legislations of the European states, as well as the ways of criminalizing false testimony in the same European states, to reveal the extent to which the recognition of the right not to contribute to self-incrimination is reflected in the criminal policy of these states. By taking into account these aspects of comparative law, as well as some elements of jurisprudence (both jurisprudence of the European Court of Human Rights and domestic jurisprudence), emphasizing the importance of the unification of judicial practice in criminal matters, the study concludes with the proposal of apprehension, in practice, under certain conditions, of the commission of the crime of false testimony by the de facto suspect witness who makes untrue statements.

THE "RENUNCIATION OF CRIMINAL PROSECUTION" INSTITUTION - SOME CONTROVERSIES

Professor Carmen Silvia PARASCHIV
Faculty of Law, „Titu Maiorescu” University of Bucharest, Romania

Abstract

The "Waiver of criminal prosecution" institution was introduced into Romanian criminal procedural legislation by Law no. 135/2010 on the Code of Criminal Procedure. It appears as an exception to the principle of the legality of the criminal process - regulated by the Romanian legislator in favor of the principle of expediency. The legislator opted for the introduction of this institution in the legislation, considering the costs involved in the activity of criminal investigation and trial in the case of certain crimes. The appearance of this institution "justifies", to some extent, the non-taking over by the legislator in the

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new provisions of the content provided by art. 18¹ of the former Criminal Code (1969). The provisions included in the content of art. 18¹ of the previous Criminal Code (1969) allowed the judicial bodies to find that some acts provided for by the criminal law did not present the social danger of a crime, which allowed the application to the perpetrator of an administrative measure provided for in Article 91 of the previous Criminal Code (1969).

CRIMINOLOGICAL THEORIES

Master student Robert-Marian TRANDAFIR

Faculty of Police, "Alexandru Ioan Cuza" Police Academy from Bucharest, Romania

Abstract

Criminology is an interdisciplinary discipline that deals with the study of crime, delinquency and antisocial behavior. This involves analyzing and understanding the causes, consequences and prevention of criminal activities. Criminology combines aspects of psychology, sociology, law and statistics to provide a holistic perspective on the criminal phenomenon. The evolution of criminology has been influenced over time by various theories and perspectives on crime. From classical approaches such as rational choice theory and anomie theory to contemporary approaches such as labeling theory and social control theory, criminology has continuously developed to bring new understandings and solutions to crime. The study of crime and criminology is of significant importance in society. They help identify risk factors and develop prevention and intervention strategies in the case of criminal activities. Through research and analysis, patterns and trends in criminal behavior can be identified, which can help improve criminal justice systems and develop effective crime-fighting policies. Research methods used in criminology vary and include quantitative and qualitative techniques. These may involve analysis of statistical data, interviews with offenders or victims, direct observations or analysis of relevant documents. By using such methods, criminologists can obtain essential information for understanding the criminal phenomenon and developing appropriate strategies. The criminologist has an important role in society. He is responsible for analyzing and interpreting crime and delinquency data, developing and evaluating crime prevention policies and programs, and contributing to developments in the field of criminology. The criminologist can also provide expertise in criminal investigation and criminal justice systems, having a direct impact on how society responds to the criminal phenomenon. In conclusion, criminology is a complex and interdisciplinary discipline that studies the phenomenon of crime and criminality. Through research, analysis and the application of knowledge in the field, criminology contributes to the understanding, prevention and management of crime, playing a crucial role in building a safer and more just society.

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JUDICIAL ERROR IN EUROPEAN LAW

Lecturer George Marius MARA

„1 December 1918” University of Alba Iulia, Romania

Abstract

The state's responsibility for judicial error is a special form of legal liability, having either the nature of a civil liability or a liability under administrative law, relative to the specifics of each individual system. This paper aims to present the evolution of the legislative framework regarding the State's liability for the damage caused by the judicial error, both in Romanian law, where the evolutions have been significant in recent years, as well as in other legal systems in the continental system.

15.00 - 16.00

TRIALS OF CHRISTIAN MARTYRS. CASE STUDY: DE PERPETUAE ET FELICITATIS MARTYRIO

Student Marius Vasile BÂRDAN

*Faculty of Psychology, Behavioral and Legal Sciences,
"Andrei Saguna" University, Romania*

Abstract

A person who dies for his religious faith is called a martyr or a martyr, but the term martyr also applies to those who give their lives for another cause, considered noble, such as those who die for their country in wartime. Martyrdom is the suffering, torment, torture, or death endured by someone for his ideas or beliefs. The term martyr is used by extension and in other forms, martyr of the fatherland, martyr of work, to honor specially performed acts of heroism. The word "martyr" is of Greek origin and denotes someone who confessed Christ by his own death. In the first phase, the title of martyr was used with reference to the apostles while they were still alive, then it was extended to all those who demonstrated faith, and finally it was used for those who died as a result of persecution.

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TEACHING JURISPRUDENCE AT PUBLIC LAW SCHOOLS IN ROMANIA: A MATTER OF CUI PRODEST

Assistant professor Monica Florentina POPA
Faculty of Law, University of Bucharest, Romania

Abstract

In these times of rapid change, triggered by the rise of AI, widespread economic migration and generational transformation, it is inevitable that the legal education will be affected as well and that it will try to adjust to the new realities. This adjustment implies a recalibration of the teaching methods and the substantive content taught in law schools, ideally involving all the stakeholders of the educational process. A matter of adjustment further arises with respect to the future of traditional theoretical disciplines, long viewed as essential to a comprehensive legal education, such as jurisprudence or the philosophy of law, and its fading charms to the law students belonging to Generation Z and beyond. This article endeavors to address the complexities of such a problem, by reviewing in a comparative manner the way jurisprudence or the philosophy of law is taught at the top public law schools in Romania. Further comparative references will be made to the practices of foreign law schools of solid international reputation. The study revolves around the question of cui prodest, because, ultimately, it is the student who is supposed to benefit from such a subject-matter included in the academic curriculum. The conclusions of the articles will highlight the difficulties of teaching jurisprudence in Romania at present and will suggest possible ways to overcome them, inspired by my direct experience of conducting seminars in jurisprudence.

FRENCH JUDICIAL SYSTEM

Lecturer Ovidiu-Horia MAICAN
Faculty of Law, Bucharest University of Economic Studies, Romania

Abstract

The principle of separation of powers was not very popular among the framers of the French Constitution. As a result, in the Constitution of the Fifth Republic, to the Judiciary was reserved a subordinate position to the executive. The composition of the Judiciary has been left in the hands of the Government. Judges in France work under the Ministry of Justice. After the setting - up of the Higher Council of Magistracy and a special statute for the membership of the judicial bodies, the independence of the Judiciary has been somewhat enforced.

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THE SOURCES OF LAW IN THE GREAT LEGAL SYSTEMS

Professor Simona CRISTEA

Faculty of Law, University of Bucharest, Romania

Abstract

In a world troubled by the health, economic and moral crisis, the question arises, what are the other sources that ensure the law's obligation? Do they need to be reconsidered or do we need to refound them? What is the situation globally, in the big families of law? We will make an analysis of the situation of the sources of law within the great legal systems, capturing the current characteristics.