

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

**INTERNATIONAL CONFERENCE  
“THE EFFICIENCY OF LEGAL NORMS”**

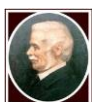
7<sup>th</sup> Edition

*“DEMOCRACY THROUGH CIVIL LAW, CRIMINAL LAW  
AND JUSTICE”*

PROGRAMME

May 17<sup>th</sup> - 19<sup>th</sup>, 2018  
Cluj-Napoca, Romania

## ***ORGANISED 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



Școala Națională de Studii Politice și Administrative – Centrul Transdisciplinar de Drepturile Omului



Asociația pentru Națiunile Unite din România ANUROM



College of Doctors Cluj



Institute of Administrative Sciences of Republic of Moldova, Chisinau



The National Supervisory Authority for Personal Data Processing



The Romanian Association of Penal Sciences



The Romanian Society of Authors and Publishers of Scientific Works PERGAM



The Intellectual Property Rights Scientific Association



Alumni “Dimitrie Cantemir” Cluj Association



Eco Foundation Romania



The Association for Economic and Social Studies and Prognosis



Revnic, Cristian & Asociații – Attorneys at Law



Institutul Arbitral Român

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ELENA-MIHAELA FODOR

Associate Professor, Ph.D. - "Dimitrie Cantemir" Christian University, Romania

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AUREL CODOBAN, Professor, Ph. D. - "Dimitrie Cantemir" Christian University, Romania

CONSTANTIN DUVAC, Professor, Ph. D. – Romanian Police Academy

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MIRCEA MINEA, Professor, Ph. D. - "Babeș Bolyai" University; Cluj Napoca, Romania, Judge at the Constitutional Court of Romania

IRINA MOROIANU-ZLĂTESCU, Professor, Ph. D. - The National School for Political and Administrative Studies, Member in the Management Board of the EU Agency for Fundamental Rights (FRA), member of the Academy of Legal Studies of Romania, member of the Council of the European Law Institute (ELI) Bucharest, Romania

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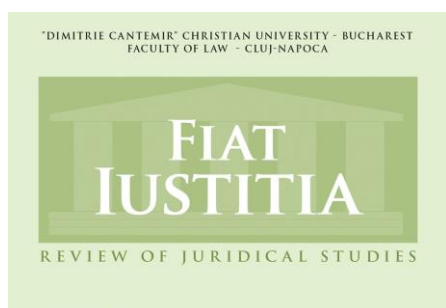
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LARISA BOBOCEA, Student - “Dimitrie Cantemir” Christian University, Romania  
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 IONELA SÎRB, Student - “Dimitrie Cantemir” Christian University, Romania

#### **MEDIA PARTNERS**



# CONFERENCE SCHEDULE

## THURSDAY / MAY 17<sup>th</sup>, 2018

- 10,<sup>00</sup>-11,<sup>30</sup> On-line sections of the Conference  
12,<sup>30</sup>-13,<sup>45</sup> On-line sections of the Conference  
19,<sup>00</sup> Welcome Cocktail  
VENUE: please follow on the final programme

## FRIDAY / MAY 18<sup>th</sup>, 2018

- 8,<sup>15</sup>-9,<sup>00</sup> Registration  
VENUE: “Dimitrie Cantemir” University, faculty of Law Cluj-Napoca  
(all sections will take place here)  
*Library Hall*  
ADDRESS: 2 Burebista Street, Cluj-Napoca
- 9,<sup>00</sup>-10,<sup>00</sup> *Opening of the Conference*  
VENUE: Aula
- 10,<sup>15</sup>-11,<sup>30</sup> The Sections of the Conference  
11,<sup>30</sup>-11,<sup>45</sup> Coffee break  
11,<sup>45</sup>-13,<sup>00</sup> The Sections of the Conference  
13,<sup>00</sup>-14,<sup>30</sup> Lunch  
VENUE: Restaurant on the premises of “Dimitrie Cantemir” University, Faculty of Law Cluj-Napoca
- 14,<sup>30</sup>-16,<sup>00</sup> Workshop “The Evolution of the Legislation of «Great Romania» after the Great Union of 1918” (Library Hall)  
14,<sup>30</sup>-16,<sup>00</sup> Workshop “From the Graduation Thesis to a Research Paper - The Long Journey Started Early on Intellectual Property Rights” (Aula)
- 19,<sup>00</sup> Festive Dinner  
VENUE: please follow on the final programme

## SATURDAY / MAY 19<sup>th</sup>, 2018

- 9,<sup>00</sup>-9,<sup>30</sup> *Closing of the conference. Conclusions*  
VENUE: Aula
- 9,<sup>30</sup> Departure for the guided tour (Jibou Botanical Garden, Ogre’s Garden, Porolissum stronghold)

# DETAILED CONFERENCE SCHEDULE

THURSDAY, MAY 17<sup>th</sup>, 2018

## ***SECTION I***

“MATEI BASARAB” ROOM (14)

***Part I*** CHAIR: Mihnea Dan Radu

- 10,<sup>00</sup>-11,<sup>30</sup> AMELIA DIACONESCU, Corruption-an Organized Phenomenon  
IOANA-CRISTINA VIDA, Politics and Constitutionality: The Case of Poland  
CRISTIAN-DUMITRU MIHEȘ, Criminalization of the Offences Related to Labour Law  
EUGEN GHEORGHE CRIȘAN, Effects and Limits of the Constitutional Court Decision in Criminal Matters  
ADRIAN BULGARU, Promoting democracy in respect for fundamental rights and the rule of law through legal education

***Part II*** CHAIR: Elena-Mihaela Fodor

- 12,<sup>30</sup>-13,<sup>45</sup> GORDANA GASMI, European Legal Principles on Human Rights and Democracy-Importance for the Western Balkans  
ANTAL VISEGRÁDY, ESZTER VÖRÖS, The Effectiveness of Alternative Dispute Resolution Methods  
KINGA FLAGA-GIERUSZYŃSKA, Influence of Informatization on the Effectiveness and Reliability of Civil Proceedings on the Example of Polish Solutions  
JOANNA MARIA STUDZINSKA, The role of the Polish Supreme Court in Judicial Control of Courts  
VEDIJE RATKOCERI, Chemical Castration and Human Rights

## ***SECTION II***

“MIRCEA MUREȘAN” ROOM (6)

***Part I*** CHAIR: Rodica-Diana Apan

- 10,<sup>00</sup>-11,<sup>30</sup> ANCUȚA GIANINA OPRE, SIMONA ȘANDRU, The Legal Regime of the Processing of Personal Data in the Public Sector, in the Context of the General Data Protection Regulation  
TRUȘCĂ FLORIN, Considerations on the Local Fiscal Procedure in Romania in the Context of the New (EU) Regulations in the Field of Protection of Individuals with Regard to the Processing of Personal Data  
ANDREA KAJCSA, Transparency in the Activity of Public Administration in the Light of the General Data Protection Regulation  
MIHAELA-IOANA TEACA, Adoption-Normative Regulations from a Historical Perspective

**Part II** CHAIR: Corina-Cristina Buzdugan

- 12,<sup>30</sup>-13,<sup>45</sup> FLORINA-FLORENTINA MOROZAN, Considerations of the Participation of Children in the Civil Trial
- BUJOREL FLOREA, VLAD TEODOR FLOREA, Application of the Rules Relating to the Mandate with Representation in the Case of the Commission Contract (I)
- CHIRIȚĂ ALEXANDRU AURELIAN, Lawyer's Freedom of Expression
- CARMEN-OANA MIHĂILĂ, The Primary Regime a Family Protection Guarantee. Ways to Balance the Powers of the Spouse
- ROXANA MIHAELA MOISOIU, Aspects of discrimination from the perspective of the migration phenomenon

**FRIDAY, MAY 18<sup>th</sup>, 2018**

**PLENARY SESSION**

*Aula*

CHAIR: Elena-Mihaela Fodor

- 9,<sup>00</sup>-10,<sup>00</sup> IRINA MOROIANU ZLĂTESCU, La continuité dans le droit roumain
- MIRCEA CRISTE, Du passé à nos jours, un regard sur la démocratie

*Book launch: "Health Law"/ "Dreptul sănătății",  
a research project of the Faculty of Law from Cluj-Napoca,  
"Dimitrie Cantemir" Christian University*

**SECTION I**

"MIRCEA MUREȘAN ROOM" (6)

**Part I** CHAIRS: Irina Moroianu Zlătescu, Lucian Chiriac

- 10,<sup>15</sup>-11,<sup>30</sup> IRINA MOROIANU ZLĂTESCU, ALEXANDRA BUCUR, Trafficking in Migrants at European Level/ Respect for and promotion of immigrants' rights
- LUCIAN CHIRIAC, The Psiholosophy of the Society Right in the Application of Penalties in Implementing the Criminal Law
- EMILIAN CIONGARU, Some Historical Considerations on the Division of the Law into Private and Public Law
- MARIUS ANDREESCU, Recognition of the Principle of Supremacy of the Constitution and its Consequence in the New Criminal Codes

ELENA MIHAELA FODOR, Transparency of the Activity of Public Authorities a Guarantee of Democracy

11,<sup>30</sup>-11,<sup>45</sup> *Coffee break*

**Part II** CHAIRS: Elena Mihaela Fodor, Emilian Ciongaru

11,<sup>45</sup>-13,<sup>00</sup> EMILIA GOGU, CORINA CRISTINA BUZDUGAN, DANIELA NENCIU, The Profile of the Student, Master Student and Doctoral Student

IANACHEVICI MARIANA, ORLOV MARIA, Legal and Institutional Aspects of Protection of Young Leavers of Alternative Care Based on Age

GABRIELA AURA FODOR, The Child's Access to Justice in Child Pornography Cases

CRISTINA MARIA BADEA, The Court of Justice of the European Union's View on the Freedom of Establishment and Freedom to Provide Services with Reference to Gambling Legislation

MIHAELA SIMION, MIRCEA CRISTE, Political Liability of the President in a Democracy

LUCIA ȘTEFANIA AVRAM, The Immigrant Family According to Romanian Civil Legislation

## **SECTION II**

“GHEORGHE BOBOȘ” AMPHITHEATER (I)

CHAIRS: Rodica Diana Apan, Gabriel Năsui

11,<sup>45</sup>-13,<sup>00</sup> MARIA ALUAȘ, ROXANA MÂNDRUȚIU, The Reimbursement of Medical Expenses Incurred in Another Member State: Elena Petru Case

HORAȚIU CRIȘAN, Conscientious Objection and Morality in Medicine

DAN PERJU-DUMBRAVĂ, CODRIN REBELEANU, DĂNUȚA ȘTEȚCO, CARMEN CORINA RADU, The Confidentiality of the Medical Act Between Theory and Practice: a Brief Incursion into the Evaluation of the Press Statements Made by the Representatives of the Sanitary Institutions

CODRIN REBELEANU, DAN PERJU-DUMBRAVĂ, DANIEL URECHE, CARMEN CORINA RADU, The Activity of Private Forensic Experts: Impartiality or a Mercenary Job?

GABRIEL NĂSUI, The Duty of Care in the Medical Legal Relationship

SORINA LUCREȚIA DRĂGAN, CODRIN REBELEANU, Aspects Considering the Need to Harmonize the Specific Medical Forensic Legislation to the Romanian Civil Laws

CODRIN REBELEANU, SORINA LUCREȚIA DRĂGAN, Legal and Ethical Aspects of the Harvesting of Biological Samples From a Living Person Versus Harvesting Biological Samples From a Deceased Person

APAN RODICA, ANGELA MIFF, The Subject-Matter Jurisdiction of Courts in Cases of Medical Malpractice; an Attempt to Settle a Procedural Dilemma



### **SECTION III**

“MATEI BASARAB” ROOM (14)

**Part I** CHAIR: Mihnea Dan Radu

- 10, <sup>15-11,30</sup> LUDO VENY, Citizens' Participation at Local Level in Flanders  
MACIEJ TROC, National Responses to Supranational Constitutionalism in the European Union  
VIȘAN ELENA ROXANA, Criminal Responsibility of Children in the National and European Context  
ELENA MARINIȚĂ, European Union Issues - Protecting Democracy, Human Rights and the Rule of Law

11, <sup>30-11,45</sup> *Coffee break*

**Part II** CHAIR: Ludo Veny

- 11, <sup>45-13,00</sup> PYALI CHATTERJEE, Jurisprudence Aspect of Penal Law Relating to Rape in India: Special Reference to Marital Rape  
MARYAM KANDI DAYENI, NAVID MOLLAEI, International Legal Frameworks on Child Soldiers Protection  
KAHINA GOUDJIL, The Conceptualization of Freedom in US Politics; a Normative Strategy to Preserve Global Liberal Values  
MERIEM GUERILLI, In the Failing Idea of Democracy, Revisiting the Protection of Human Dignity

### **SECTION IV**

“TUDOR DRĂGANU” ROOM (11)

**Part I** CHAIR: Anca Mihaela Georoceanu, Camelia Reghini

- 10, <sup>15-11,30</sup> ANCA MIHAELA GEOROCEANU, Considerations Relating to the Transfer of Fiscal Duties of Social Contributions  
CAMELIA REGHINI, Causes that Exclude the Offence in Modern Criminal Law  
DANIELA-CRISTINA VALEA, The Right to Information in the Criminal Trial in Romania  
MARIANA NARCISA RADU, Penalties by Fine as an Alternative Sanction to Imprisonment in the Regulations of Romanian Legislation  
ALEXANDRU CICALĂ, The Retrospective of Incrimination of the Offense of Illegal Abortion in the Republic of Moldova  
IGOR SOROCEANU, ALEXANDRU CICALĂ, Democratic Considerations Regarding Abortion – Moral-Spiritual Points, Consequences and Legal – Criminal Framing

11, <sup>30-11,45</sup> *Coffee break*

**Part II** CHAIR: Mariana Narcisa Radu

- 11,<sup>45</sup>-13,<sup>00</sup> GHENNADI CALCAVURA, VICTORIA BUTNARU, Democratic Aspects of the State of Extreme Necessity in the Criminal Field  
JUCAN CODRUȚA ȘTEFANIA, A Solution of the Romanian High Court of Cassation and Justice Regarding the Administrative Litigations  
IGOR TROFIMOV, EUGENIA GUGULAN, Repairing the Damage Caused to the Animal World by Practicing Illegal Hunting  
CĂȚĂLINA GEORGETA DINU, Difficulties in the Implementation of the Community Work Sanction  
NICOLAE ROȘ, Financing Electoral Campaigns

**SECTION V**

“VLADIMIR HANGA” AMPHITEATER (II)

**Part I** CHAIR: Ilie Urs

- 10, <sup>15</sup>-11,<sup>30</sup> ILIE URS, Considerations on the Option Pact Related to the Sales-Purchasing Contract  
TUDOR ONIGA, Minors Rights to Moral Damages as Indirect Victims of Road Accidents  
SIDONIA CULDA, The Principle of Party’s Will in Civil Lawsuits  
PAUL POPOVICI, Democracy and Intellectual Property. A Synthesis  
IOANA-VIRGINIA SASU BOLBA, Law and Justice in Fiction (I). A Psychological Approach. ”A Way to Get a Better World” Cycle  
ELENA DAMIAN, In the History of French Law „Jean Domat”

- 11,<sup>30</sup>-11,<sup>45</sup> *Coffee break*

**Part II** CHAIR: Mihnea Dan Radu

- 11,<sup>45</sup>-13,<sup>00</sup> MIHNEA DAN RADU, DANA ELENA MORAR, Aspects Regarding the Tort Liability for the Prejudices Caused by the Underage in the Context of the Legislation on the Protection and Promotion of Children’s Rights  
ANCA ROXANA ADAM, Oblique Action-Means of Preserving the Debtor’s Patrimony  
VIOREL SÂRCA, Social Reintegration of Juvenile Delinquents by Restorative Justice View  
ALEXANDRU CORDOȘ, Theme Classification of Communication in Contemporary Legal Philosophy  
VLADIMIR MĂTUȘAN, Some Considerations Regarding the Possibility of Amending the Enforcement Title Represented by a Final Court Judgment Viewed from the Perspective of Both National Legislation and ECHR Jurisprudence  
VLAD DAN OANEA, The Evolution of the National Church Fund After the Great Union

## **WORKSHOPS**

14,<sup>30</sup>-16,<sup>30</sup> **WORKSHOP 1**

*Library Hall*

The Evolution of the Legislation of «Great Romania»  
after the Great Union of 1918

CHAIR: EMILIAN CIONGARU

Associate Professor, "Bioterra" University Bucharest,  
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### SPEAKERS :

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GABRIELA AURA FODOR, Ph. D. Student, Judge, First Instance Court of Cluj-Napoca

PETRU EMANUEL ZLĂTESCU, member of the European Law Institute (ELI)

14,<sup>30</sup>-16,<sup>30</sup> **WORKSHOP 2**

*Aula*

From the Graduation Thesis to a Research Paper - The Long Journey Started Early

The workshop will include a presentation of PERGAM, as collecting society of the authors of written works, especially scientific, for onboarding new members from the academic area, with the purpose of protecting and promoting their work.

### PARTNERS:

PERGAM – The Romanian Society of Authors and Publishers of Scientific Works (Bucharest);

The Intellectual Property Rights Scientific Association (Bucharest);

The Hub of Intellectual Property (Cluj-Napoca);

“Justitia Nihil Expectat Praemii” Association (Cluj-Napoca).

### SPEAKERS:

ANA-MARIA MARINESCU, The Romanian Society of Authors and Publishers of Scientific Works PERGAM,  
General Director

LUISA CREAȚĂ, Antena 1 TV Channel, Chief of the Author's Rights Department

ALINA HAVZA The Romanian Society of Authors and Publishers of Scientific Works PERGAM, Mandates  
Responsible

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PAUL POPOVICI, „Dimitrie Cantemir,, Christian University, Associate Professor

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