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I. D R E P T P U B L I C

POLICE COOPERATION'S OBJECTIVES FROM THE PERSPECTIVE OF THE PROVISIONS OF LISBON TREATY

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Abstract:

Police cooperation is part of EU policy on the area of freedom, security and justice. Aspects concerning Community cooperation in justice and home affairs have been first put in place through the Maastricht Treaty. Lisbon Treaty includes aspects in the area of freedom, security and justice in the new EU policy's framework .

Keywords: Justice and Home Affairs, police cooperation, Lisbon Treaty

EUROPEAN EXTERNAL ACTION SERVICE – INSTRUMENT OF EU EXTERNAL ACTION

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Abstract:

Lisbon Treaty confirms the EU's willingness to assert in the international relations founded EEAS regarded as a true European Union diplomatic service. EEAS becomes an independent service that will support The High Representative in fulfilling his mandate to led the Common foreign and security policy of the EU and the coherence of the EU external action.

This service shall work in cooperation with diplomatic services of member states and shall comprise officials from relevant departments of the Secretariat of the Council and Commision, as well as staff seconded from national diplomatic services.

European External Action Service is a good initiative and would require him to not be encumbered by national pride, but to prove the ability to serve the european interest.

Keywords: European External Action Service, European diplomacy, EU external action

SCURT ISTORIC AL EVOLUȚIEI INSTITUȚIEI PREFECTULUI

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Abstract:

Prefecture is an old institution, traditional public administration in Romania. A meet both Wallachia and Moldova, even before the Union of the (1859), although those who were carrying a different name.

Keywords: prefecture, institution, regimes, historical moments, ideology, administration, structure

GENERAL CONSIDERATIONS ON JUVENILE DELINQUENCY

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Abstract:

Juvenile delinquency, is one of the greatest challenges of mankind, is a complex social problem that society has faced and will face and especially Romanian society, because a significant share of the total number of antisocial crimes is the result of action by the younger generation.

From the legal point of view, juvenile delinquency is the violation of the rules that reflects the requirements of all forms of human cohabitation.

In order to prevent and reduce juvenile delinquency, there should be close collaboration between police, courts, prosecution, on the one hand, and psychologists, sociologists, doctors, social workers, lawyers, on the other hand, to develop and stimulate moral autonomy of young people, facilitating the adaptation to the requirements of social norms and their participation in social life and political exigencies.

Keywords: Juvenile delinquency, juvenile crime, prevention and fight against juvenile delinquency;

Moto: „Learn to value freedom, before you lose it.”

“THE DANUBE STRATEGY” PROJECT: A NEW DIMENSION OF THE EU’S POLICY

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Abstract:

Bearing in mind such initiatives as the Eastern Partnership of the European Union, the acceptance of the so-called Baltic Strategy in June 2009 and, finally, the plan of launching a similar strategy for the states located in the Danube Basin by the end of 2010, it seems obvious that the EU chose a new way of conducting its regional policy. Consequently, the author points out that nowadays it is a regional policy which might be the most important area of activity on which the EU is focused currently. The so-called macro-regional dimension of the EU’s regional policy is perceived as “a new added value” of the European territorial policy. “The Danube Strategy” project, which will be accepted by the Hungarian Presidency in 2011, seems to be the most relevant example to confirm the above-mentioned thesis. Consequently, the article provides a couple of data regarding origin of cooperation of the Danube states and its current state. For that reason the author used mainly original sources published by the official EU’s agencies and bodies.

Keywords: Danube Strategy, EU regional policy, European Union;

CONCEPTUAL BASES ON TORTURE PREVENTION IN MOLDAVIA

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Abstract:

One of the phenomena with a widespread negative impact, which creates an image for a deep crisis in the process of transition state like Moldavia, is the phenomenon of torture. For effective prevention of the phenomenon of torture is not enough simply to recognize the legal system prescribed by international acts, but the state authorities is necessary to show constant concern to respect and enforce that order. With a view to effective prevention of these negative phenomena, priority is on the one hand, reassessment and readjustment of the rules of law in order to reduce that risk, and on the other hand, strict sizing of law enforcement in meeting the rights and freedoms fundamentals of persons engaged in the administration of justice.

Keywords: torture, human rights, Moldavie Republic;

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RAPORTURILE DINTRE „JUS AD BELLUM” ȘI „JUS IN BELLO” ADICĂ DINTRE DREPTUL LA PACE ȘI SECURITATE ȘI DREPTUL INTERNAȚIONAL UMANITAR

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Abstract:

The relations between the right to use military force and the humanitarian law are reciprocal and dialectical and relate to governance, legitimacy and legality. In organized societies, individuals agree through the fundamental social contract that the government will have the power to decide on the legitimate use of armed violence against illegitimate armed violence, as both national constitutions of states and constituent treaties of international organizations like the UN, NATO or the EU mandate.

Keywords: jus ad bellum, jus in bello, legality, legitimacy

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² Hugo Grotius, Dreptul războiului și al păcii, Ed. Științifică, București, 1968, p. 120, în care se arată că principiile primordiale ale naturii nu interzic războiul iar dreapta rațiune și natura societății nu osândesc orice violență ci numai pe aceea care este potrivnică dreptului naturii.

THE CONCEPT OF NEUTRALITY IN MARITIM CONFLICTS

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Abstract:

As he was enshrined in international law class, law of neutrality, represents a balance between opposing interests of warring parties, who want to minimize the trade of their enemies and neutral and the letter which would not be provided obstacles in this regard.

Institution neutrality or neutrality law, according to some authors, was formed by the late eighteenth century, based on a relatively common practice followed by a small number of European countries, particularly in the marine environment and has been translated into positive law by the Fifth Convention and the XIIIen from Hague 1907, where both appear as a discretionary act, taking the exclusive responsibility of state and a legal system, a complex involving the rights and obligations.

Keywords: neutrality, maritime conflicts, warring states;

SOME CONSIDERATIONS ON CRIMES REFERRED ON THE LAW FOR PREVENTING AND COMBATING TAX DODGING

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Abstract:

Starting from the need of supporting public expenditure through tax charges and the basic duty referred to in Art. 56 alin. 1 of the Constitution that „citizens have an obligation to contribute through taxes to public expenditure”, the state found itself in the need of ensure by using rules of criminal law compliance by the taxpayers of that constitutional obligation mentioned above.

Keywords: tax dodging, criminal law, criminal responsibility

UNELE CONSIDERAȚII PRIVIND PEDEPSELE APLICABILE MINORILOR ȘI SUSPENDAREA EXECUTĂRII ACESTORA

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Abstract:

The enforcement regime for under-ages is an open question in Romania, where it deals with a system that focuses more on sanctions rather than re-education, ignoring the reality that, in fact, under-age offenders are rather victims than criminals. The sanctioning system of under-ages who have committed an offense is extremely rough, the alternative sanctions available to courts being extremely reduced. Individually, there are no educational and treatment options that can be applied to juvenile offenders, as there are no sufficient human resources and logistics to implement those few alternative prison sentences that exist in current or future criminal code.

Key words: minor, crime, law, punishment, prison, fine.

REFERINȚE INTERNAȚIONALE PRIVIND INFRAȚIUNEA DE GENOCID

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Abstract:

A thorough analysis in the development of contemporary international relations, leads to the conclusion that peace is the supreme value of humanity, the primary condition for every achievement and fulfillment, a major requirement for human civilization, an innate right, fundamental for the human being. It is undisputed that only in peaceful circumstances each nation, each people, each society will be able to solve their problems as they see best for them and for all humanity. Only in peaceful circumstances it will be possible to ensure the guarantees required for the material and social development, for a free life and for the dignity of peoples.

Key words: genocide, war felonies, crimes against humanity, international treaties

II. DREPT PRIVAT

DREPTUL DE RĂSCUMPĂRARE

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Abstract:

It seeks an analysis of the right of redemption that starts to explain issues concerning the legal nature of the law, abuse of rights, the right, effects that occur in exercising it, how to fire, and its transfer and assignment.

Keywords: right of redemption, abuse of rights, the right, fighting right.

DREPTUL DE DISPOZIȚIE - EXPRESIE A LIBERTĂȚII VOINȚEI JURIDICE (I)

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Abstract:

The disposal represents an expression of the individual power, determined by the connection that is created between the patrimony and its owner. By virtue of this power, the subject of law is free to participate in the civil circulation in the limits established by the substantive laws.

Therefore, the freedom to exercise the disposal does not constitute itself in a freedom in general, but in one that is conditioned and determined by social life, on one hand, and by the provisions stipulated in law, on the other hand.

Keywords: patrimony, the substantive laws, exercise the disposal, the civil circulation

APRECIERI PRIVIND CARACTERUL SUBSIDIAR AL ACȚIUNII ÎN CONSTATARE FAȚĂ DE CEA ÎN REALIZARE ÎN LUMINA NOULUI COD DE PROCEDURĂ CIVILĂ

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Abstract:

This exception is an exception of substance as it requires a special condition of the right to act, or rather, a limitation of the action right in the exercise of its components, and it is also an absolute exception, which can be raised, even on appeal. From its characters results, that it may be invoked by the interested party, prosecutor or by the court office. Depending on the effect produced by its admission, as the court rejected as inadmissible, this exception is undeniable.

Key words: civil action, achievement, finding, except trial.

CONSIDERATII ASUPRA CONCEPTULUI DE CONSULTING-ENGINEERING

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Abstract:

Consulting-engineering activity is a complex notion, which include a large number of contracts that lose their origin, form, aspects, characters but in the same time brings new elements by including common aspects so it is important for us to have a clearly view about them.

Having so many atributes, consulting-engineering contract have been catalogated by many authors an „unnamed” contract because his large domain of application.

In conclusion, we may say that this type of contract is a very complex one and in the same time one of the next generation contracts.

Keywords: consulting-engineering, contract

ROLUL JURIDIC AL ADMINISTRATORULUI ÎN SOCIETATEA COMERCIALĂ ROMÂNĂ

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Abstract:

Legal management promoted by the company administrator is the dynamic factor of development entity and is the fundamental pillar placed on the frontispiece of Constitution Romania phrase "one above the law". We believe that the legal management must be addressed both by the force of law and enforcement and compliance business necessity, but rather by understanding the mechanism of organizing and managing the human factor.

Keywords: Legal management, company, manager, legal status, national and Community legislation.

CONSIDERAȚII DE ORDIN LINGVISTIC ȘI JURIDIC ASUPRA ATRIBUTELOR DREPTULUI DE PROPRIETATE PRIVATĂ

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Abstract:

In our study, Linguistic and legal considerations on the attributes of private ownership, we would like to present legal and linguistic aspects of the term ius, and also and derivatives of phrases.

We begin with the legal sense and then we present the linguistic sense, interpreting the terms of semantically, morphologically and etymologically.

Also we try to present some legal expressions with the term ius.

Key words: legal right, possession, use, disposal, ius

REGIMUL JURIDIC AL EXCEPȚIEI PRESCRIȚIEI DREPTULUI LA ACȚIUNE ÎN PERSPECTIVA NOULUI COD DE PROCEDURĂ CIVILĂ

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Abstract:

The extinctive prescription of the action goes right in the material sense. The limits of the action right is an exceptional background for admission to peremptory rejection results as prescribed, and absolute, as it can be invoked by way of exception by all parties to the trial, the prosecutor and the court office. If the procedural exception is allowed, the court will not investigate the merits, but will dismiss the action as prescribed. Therefore dismiss the refusal amounts to contest the coercive force of the state for the proprietor of the subjective right. For the passive subject the expiration of the limitation means the impossibility to enforce the execution of the obligation.

Key words: procedural exception, right of action, the substantive sense, procedural sense, peremptory, fund, absolute

ANALIZA PREVEDERILOR LEGALE DIN DOMENIUL JOCURILOR DE NOROC ÎN FRANȚA ȘI GERMANIA

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Abstract:

This study covers the legal regulations in the field of gambling in France and Germany. For a uniform regulation at EU level, it is important to know, which are features of organization and operation of gambling in the Member States and which differences between legal systems operating in this field are. A new aspect presented in the article is the latest regulations in the gambling online, an industry that took a major leap globally through significant amounts of money that are handled well and the need for sweeping regulatory gaming taking place over the Internet.

Keywords: gambling, casino, online games, lottery, gambling wrongdoing.

*III. ORDINE PUBLICĂ
ȘI
SIGURANȚĂ
NAȚIONALĂ*

CONEXIUNILE DINTRE CRIMA ORGANIZATĂ ȘI TERORISM

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Abstract:

Transnational criminal organizations often operate as a network structure. Network structure is not peculiar to certain groups, which can characterize many transnational terrorist groups or new several groups of organized crime. Unlike the old hierarchical structure of mafia, new organized crime groups, such as Russian criminal groups and terrorist organizations like Al-Qaeda operates as a network. It provides organizational flexibility, reduces possibility of penetration and gives the highest efficiency. In addition, this kind of structure makes it more difficult to identify leaders.

Keywords: criminal organizations, organized crime leaders, organizational ideology

THE LAW OBSERVANCE OF INTELLIGENCE ACTIVITIES

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Abstract:

The court practice raised the issue of compliance with law of the activities performed by employees of Romanian Intelligence Services, due to the increasing number of persons who challenged the methods by which intelligence information were obtained by conspired activities performed against them and later used as evidence in court. In performing these attributions, the civil society must have a bailor guaranteeing that the state do not abuse of the special competence granted by law for fulfilling its tasks. This bailor is the Romanian Constitution, which by its provisions ensures the observance of the persons' rights and freedom which arise from the conventions, treaties or other international documents to which Romania adhered.

Keywords: intelligence services, citizens rights, legality of judicial evidence

ANALIZA REGLEMENTĂRILOR JURIDICE INTERNE APLICABILE ÎN DOMENIUL DISPARIȚIEI MINORILOR

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Abstract:

The disappearance of a minor is a subject that must concern all mankind. The disappearance and exploitation of minors is a reality and world states are obliged not to permit the violation of minors rights. Disappearances of minors are tragic events with special emotional content. In some cases, "the Border" between survival and extinction depends on the speed of action finding the minors who, for various reasons, have disappeared. Many minors around the world are missing each year, most of them are located or return home shortly after the disappearance.

Keywords: minor, public administration, protection, endangered, violence, abuse.

COOPERAREA POLIȚIENEASCĂ ÎN UNIUNEA EUROPEANĂ

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Abstract:

Danger of organized crime requires national and European bodies taking appropriate measures to protect society from criminal actions and to contribute effectively to ensure the level of public safety and the rights and freedoms of individuals. EU countries can and must achieve closer cooperation on preventing and combating organized crime, in accordance with national law and using Community mechanisms to gather information necessary to authorized institutions and governments in order to prevent and eliminate these crimes, prosecution and extradition of their authors. In this study attention is focused on the organization and functioning of the main legal instruments of cooperation used by the national police in Romania.

Keywords: police cooperation, Europol, SECI, liaison officers

INTELLIGENCE LED SUPPRESSION OF INTERNATIONAL ORGANIZED MIGRANTS SMUGGLING AND HUMAN TRAFFICKING

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Abstract:

Migrants smuggling and human trafficking are the most dangerous forms of international organized illegal migrations. More organized approach in recruiting, transporting, receiving and exploitation of international illegal migrants, as a result have new complex negative effects for personal, social, national and international security. On the other side, traditional criminalistic, mostly repressive methods, become insufficient for preventing, revealing and interrupting networks for migrants smuggling and exploitation. Therefore, it is necessary to re-conceptualize traditional approaches in resisting this safety risk, by moving focus from repressive to preventive methods, intelligence led work, analytical assessment and risk assessment. In this paper, author presented his opinion about possibilities of using traditional policing methods and modern intelligence methods in information and data collecting, and the ways of transformation analytically-estimating activities, as a base of fighting organized illegal migrations.

Key words: organized crime, illegal migrations, migrants smuggling, human trafficking, suppressing, intelligence work, safety assessment, criminal prognosis.

PIRATAREA PRODUSELOR PURTĂTOARE DE DREPT DE AUTOR ȘI DREPTURI CONEXE. ASPECTE TEHNICE ȘI PROCEDURALE.

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Abstract:

Copyright relates to artistic creations such as poems, novels, music, paintings, cinematographic works, etc. the word "copyright" refers to the person who is the creator of literary or artistic work - the author - thus underlining the fact, recognized by most legal framework in the field, that the author has certain specific rights over his creation. For example the right to prevent distorted reproduction of the work, as can be exercised only by the author, while other rights can be exercised by other persons, namely, authorizing publication of a literary work by a publisher, etc. In this article, we present technical and procedural issues aimed at piracy in the field of copyright and other related rights.

Keywords: piracy, copyright, related rights, intellectual property, pirate goods.

CONSIDERAȚII GENERALE PRIVIND PREVENIREA CURSELOR AUTO ILEGALE

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Abstract:

The risk of producing driving accidents is raised by using vehicles with majore technical damages, but also by using some vehicles that were technically modified with the unauthorised intervention of the owners. On this considerations, the article issues in treating a theoretical point of view of the risk for public order and safety, represented by the organisation of illegal car races.

Keywords: car crashes, the risk concept, illegal car races