

# PRO PATRIA LEX

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**PRO PATRIA LEX**  
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# *I. DREPT PUBLIC*

**RAPORTURILE DINTRE DREPT ȘI RELIGIE. IMPACTUL TRADIȚIILOR ȘI  
PRECEPTELOR RELIGIOASE  
- REFLECȚII PRIVIND CAZUL „CHARLIE-HEBDO” -**

**Prof. univ. dr. Dumitru MAZILU**

*Profesor Emerit*

*Raportor Special al Națiunilor Unite privind  
Drepturile Omului și Tineretul (1985-1993)*

**Abstract:**

*In this study, we have underlined the relationship between Law and Religion. We have pointed out that legal rules are, usually, under the influence of some traditions and customs of religion, existing in different options of one or another group of peoples. At the same time, we made some references to the recent events, which took place in France, at the beginning of this year, 2015.*

*It is our duty to have in mind the conclusion of that exceptional French revolutionary man, Maximilien de Robespierre, that „the freedom of every one exist only to that moment when the freedom of another one has started“.*

**Keywords:** *law, religion, traditions, freedom.*

# ACȚIUNEA ÎN ANULAREA ACTELOR JURIDICE ADOPTATE DE INSTITUȚIILE UNIUNII EUROPENE

Nicoleta DIACONU<sup>1</sup>

**Abstract:**

*The actions promoted to the Court of Justice can be either against EU institutions, where they do not meet the provisions of treaties or improperly fulfill them or against Member States where they do not fulfill obligations under the Treaties.*

*The action for annulment is one of the means by which the target jurisdictional legal acts of the EU institutions. The action for annulment has a particularly important role in ensuring European Community legal order.*

*The action for annulment is an important way of ensuring the EU institutions duties in accordance with the fundamental legal acts.*

**Keywords:** action for annulment; Court of Justice; legal documents drawn up by EU institutions.

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

Ion DRAGOMAN<sup>1</sup>

**Abstract:**

*The theoretical separation of “jus ad bello” and “jus in bello” provides important protection during armed conflict. It guarantees that “jus in bello” will apply regardless of the cause of a conflict. However, the distinction has been challenged by the view that in some cases a situation of self-defence may be so extreme, and the threat to the survival of the state so great, that violations of “jus in bello” may be warranted. The situation is compounded by the confusion of the principles of necessity and proportionality under “jus ad bellum” and “jus in bello” in both academic writing and the jurisprudence of international courts. The dangers of blurring the distinction will be elucidated by examining how “jus ad bellum” considerations have affected the application of “jus in bello” in armed conflicts between states and non-state actors.*

**Keywords:** armed conflicts, law of armed conflict, jus ad bellum, jus in bello.

# CÂTEVA CONSIDERAȚII PRIVIND REGLEMENTAREA URMĂRIII PENALE ÎN NOUL COD DE PROCEDURĂ PENALĂ

Anca-Lelia LORINCZ<sup>1</sup>

**Abstract:**

*New criminal procedure legislation which came into force on 1 February 2014 brought substantial changes all institutions of criminal procedural law, including criminal prosecution. The provisions of the new Criminal Procedure Code, the legislature sought to simplify the prosecution to respond, first, the requirement to conduct a speedy trial. On the other hand, by eliminating the procedure of preliminary and presentation material prosecution, through amendments to the type of acts of procedural documentation, commissioning procedure criminal action, competence and solutions prosecutor not to prosecute, but also by introducing provisions chamber preliminary agreement to follow and put into our criminal procedure legislation with European standards, including the first phase of the trial.*

**Keywords:** *criminal prosecution, legislative changes, New Code of Criminal Procedure, prosecutor, judge of pre-trial chamber.*

**CONTRIBUȚII LA ANALIZA INFRAȚIUNILOR PREVĂZUTE ÎN ART. 141 IND. 1 DIN  
LEGEA NR. 8/1996 PRIVIND DREPTUL DE AUTOR ȘI DREPTURILE CONEXE,  
ASTFEL CUM A FOST MODIFICAT PRIN LEGEA NR. 187/2012**

*Dr. Bujorel FLOREA<sup>1</sup>*

**Abstract:**

*This study examines, in a critical nature, the modifications brought by Law no. 187/2012 for the implementation of Law no. 286/2009 on the Criminal Code on felonies referred to in art. 143 of Law no. 8/1996 on copyright and related rights.*

*It is highlighted and examined both the amendments to paragraph (2) of art. 143 of Law no. 8/1996 and the common and specific features of all felonies contained in the legislation mentioned herein contained.*

*Throughout the study the author reveals the stock of ideas of the authors with prestigious names in the field. However, the investigation of crimes remains connected to other norms of the special Law connivance with the analyzed theme, to give ideas and terms accuracy without which you can not progress in the study of law.*

*The paper does not hesitate to examine the constitutive content of crimes also from the perspective of the rules laid down in the general part of the current Penal Code .*

**Keywords:** *devices and components of neutralization of technical protection measures; neutralizing services of technical protection measures; technical protection measures; information on the rules of copyright and related rights.*

# REZULTATELE UNEI CERCETĂRI EMPIRICE LA NIVELUL UNOR SERVICII DE PROBAȚIUNE<sup>1</sup>

Aura PREDA<sup>2</sup>

**Abstract:**

*Given the significant changes on sanctions and non-custodial measures applicable under the new codes (criminal and criminal procedure), the author wants to highlight the effects of these changes in the probation system from our country. Therefore, are presented and analyzed the opinions of probation counselors from Bucharest and Ilfov, as a result of empirical research.*

**Keywords:** *probation, new criminal executional legislation, empirical research, probation services, difficulties, solutions.*

## PERCHEZIȚIA UNUI SISTEM INFORMATIC. CÂTEVA CONSIDERAȚII PRIVIND ELEMENTE DE INVESTIGARE CRIMINALISTICĂ

*Drd. Vlad–Teodor FLOREA<sup>1</sup>*

**Abstract:**

*Evolution of technology and of information technology is likely to produce adaptations, changes or transformations that affect all members of society, which means that these fluctuations reach the criminality phenomenon, on the one hand, and the anti-criminality phenomenon, on the other hand. This article contains the analysis of the informatic search from the perspective of the Criminal Procedure Code and of the specific elements of forensic investigation. The author identifies the types searches that exist in the romanian legislation, making proposals regarding the name of the legal institution of the computer search. From the point of view of forensic investigation, the author brings to light general aspects regarding the particularities of using the evidence procedure of searching an information system, particularities that require specific technical knowledge of hardware and software. Research, discovery, identification and collection of evidence stored in a computer system or data storage media is, in fact, collection of informatic data.*

**Keywords:** *search, informational system, digital storage, lifting objects bearing informatic date, computer data collection.*

## ASPECTE LEGISLATIVE PRIVIND SECURITATEA PRODUSELOR

*Sabina-Daniela AXINTE<sup>1</sup>*

**Abstract:**

*In order to protect the consumers, European Union created a law project that enforce producers and merchants commercialize only products or services that do not affect life, health or integrity of them. Each country member has a specific organization that verifies the conformity of products and services, and if this law is infringed, it takes the necessary measures that the person responsible pays the damages for the prejudiced customer. It was also created Rapid Exchange of Information System (RAPEX) which is the EU rapid alert system for unsafe consumer products and consumer protection.*

**Keywords:** products security, consumer protection, RAPEX. ANPC, cyber security.

## REGULILE MANAGEMENTULUI ȚINTELOR ÎN DREPTUL CONFLICTELOR ARMATE

David UNGUREANU<sup>1</sup>

**Abstract:**

*The law of armed conflicts has had its share of contribution to the evolution of the targeting system establishing restrictions and limitations in the planning and the carrying out of military actions, which enhance the political and military responsibility of the headquarters within the meaning of the social acceptance of the necessity of war and its consequences. Understanding this evolutionary process of the management of military targets involves summarizing the phenomenon in the military art, in the contemporary scientific literature dedicated to the armed forces, as well as in the laws and customs of war.*

**Keywords:** *military action, law of armed conflict, humanitarian protection.*

# IMPORTANȚA APARIȚIEI UNUI DREPT PENAL AL MEDIULUI<sup>1</sup>

*Av. drd. Mihaela POPESCU<sup>2</sup>*

**Abstract:**

*The author presents a work of interest, justifying the need for criminal-law protection of the environment , on the one hand, for the environmental conservation and ,on the other hand, to ensure sustainable economic development. It is analyzed the role of UN and other international organizations in identifying and preventing environmental crime.*

**Keywords:** *criminal-law protection, environmental criminal law, sustainable economic development, legal-ecological framework, the environmental conservation.*

## NATURA JURIDICĂ A RĂSPUNDERII INTERNAȚIONALE A STATELOR

Corina Florența POPESCU\*

### Abstract:

*The liability arises only when an international obligation has been violated. The conduct of a subject of international law may be permitted, prohibited or imposed by international law. Through the liability of the State which has committed the wrongful act, it is obliged to cease the infringement and resume the fulfillment of the obligation, to give assurances and guarantees of not repeating the infringement and the obligation for compensation for damage. The act or omission in the context of violation of an international obligation generates responsibility, regardless of qualification or motivation of such conduct under national law.*

**Keywords:** *international obligation, infringement, international state liability, International Law Commission, composite conduct.*

## *II. DEPTPRIVAT*

## STUDIUL ASUPRA EVOLUȚIEI EUROPENE A NORMATIVULUI ÎN MATERIA TITLURILOR DE VALOARE

*Aida Diana D. DUMITRESCU<sup>1</sup>*

**Abstract:**

*In the context of, on the one hand, it is necessary to continue the codification of law in Europe, and on the other hand the share of transactions with securities in domestic trade, European and international level is increasing, the need for studies on legislation and practice both at European and national level of the other countries is real and useful. The study on French normative of the securities matters, proposed by this material, provides an analysis of what may constitute the premises of internal normative changes in the field.*

**Keywords:** *French normative, coding; securities.*

# REGULI SPECIALE PRIVIND SOLUȚIONAREA CONFLICTELOR DE MUNCĂ ÎN PRIMĂ INSTANȚĂ\*

*Ștefania-Alina DUMITRACHE<sup>1</sup>*

**Abstract:**

*This study aims to highlight the procedural rules governing the trial of the causes that are to resolve labour disputes in first instance. The research was based on the comparative study of labor law regulations, namely the Labour Code and the Law No.62/2011 of social dialogue and the common law regarding the summoning procedure, the burden of proof, the rapidity of the case and the character judgment by the court.*

**Keywords:** court, labour, conflict, celerity, subpoena, evidence, judgment, execution, final.

# AJUTORUL DE STAT NOU, SISTEME DE AJUTOARE DE STAT ȘI COOPERAREA EUROPEANĂ ÎN DOMENIU

*Laura MAIEREAN<sup>1</sup>*

**Abstract:**

*New aid is defined in Council Regulation no. 659/1999, any help - and individual aid scheme - which is not existing aid, including alterations to existing aid. The new aid shall be notified to the Commission by the Member State which has the duty to inform him about the one receiving notification.*

**Keywords:** *Copetition Council, competition, competition law, notification.*

## ÎNCETAREA DE DREPT A RAPORTURILOR DE SERVICIU ALE POLIȚIȘTILOR

*Cătălin Daniel VASILE<sup>1</sup>  
Camelia CHEREJI (COSMA)<sup>2</sup>*

**Abstract:**

*Policeman statute does not distinguish between cases of termination of employment relationship without human intervention and other cases of termination and therefore we propose in this study to highlight situations legal cessation of relations of the police*

**Keywords:** *policeman, stopping the service, labor, according.*

## TEHNICI MODERNE DE STABILIRE A FILIAȚIEI

*Asist. univ. dr. Alina Daniela PĂTRU  
Lect. univ. dr. Diana Anca ARTENE<sup>1</sup>*

### **Abstract:**

*From the longest of times, the research on the biological next of kin was one of the most profound challenges for the forensic medicine. The succession of characters from a generation to another has been the basis of the first genetic investigations and, in the same time, even from the beginning of the human civilization, it represented one of the issues where the forensic medicine was requested to provide evidences and uncontestable proofs. Human aspiration for research and understanding the life or death enigmas, the mysteries of the creation, the need to know and afterwards the desire to control the birth have led the genetics to surprising and highest of peaks. In this article, we would like to highlight the importance of the AND tests in the biological investigation of the next of kin within the context where such forensic expertise have raised to be very requested in Romania, being not only restricted to cases where traditional expertise fail or trigger inconclusive results.*

**Keywords:** *genetic identification, establishment of the next of kin, AND expertise, biological descent, paternity test.*

## REGIMURILE MATRIMONIALE. PRIVIRE COMPARATIVĂ CU DREPTUL INTERNAȚIONAL

Ligia-Alexandra SORAN<sup>1</sup>

### **Abstract:**

*The institution of marriage is one that generates personal non-property relations between spouses so and property relationships , and the latter being invoked against third parties . The legal regulation of these relations , is actually matrimonial regime .Matrimonial regime is a complex legal rules governing the relations between spouses, pecuniary rights and obligations of family life .The element that underlies the family is marriage, which also generates the totality patrimonial and non-patrimonial of the personal. The legal regulation of these relations is actually matrimonial regime.Matrimonial regime can be defined as a set of legal rules that govern the relationships between spouses, rights and obligations of pecuniary family life.*

*Romanian legal system is reconstructed by the current provisions of the Civil Code, which by complex rules that can be establish, harmonize legislation with the European family, settling primarily contractual freedom, thus enabling spouses to create and determine the content of them contracts.Romania takes over several provisions of the French Code, also because its authentic form is provided for changing the matrimonial regime, but what comes is completing Roman Civil Code are mandatory rules on winding the matrimonial regime, under penalty of nullity.*

*Choice of matrimonial regime other than the regime of legal community, dating is done by signing the Convention, which must meet certain conditions advertising by enrolling them in the National Register of Notarial matrimonial and goods whose nature a request will be made and their registration and other registry offices.*

*Like the Quebec Civil Code, modifying the matrimonial may, on request of a spouse when the spouse of each other's actions affect the community. The action calling for the separation of goods can be introduced and creditors husbands, but they can interfere because if it is introduced under the provisions of the Civil Code of the spouses.*

*As a legislative innovation is introduced parallel management as a way of functioning of the community, which means that each spouse has the ability to manage and dispose of the assets only part of the community, making an exception to this rule and immovable property elements of a business, commons, their acts of disposition beeing made by both spouses.*

**Keywords:** *matrimonial regime, autonomy, contractual freedom, comparative law; plurality of matrimonial regimes; parallel management.*

# LEGEA APLICABILĂ CONTRACTULUI DE TRANSPORT INTERNAȚIONAL PE DUNĂRE

*Ion IORGA<sup>1</sup>*

**Abstract:**

*CMNI Convention contains, in addition to rules of substantive law, a conflict rule designating the lex contractus subsidiary regulating areas not covered by the Convention. Of course, Romanian court will be required to apply this rule as an integral part of the international law of the forum. The solution is relatively identical to that provided in art.4.4 of Rome Regulation 2009 concerning the law applicable to contractual obligations. In addition, this act designating as competent law, if the cumulative failure carrier enforcement, the law of the destination of the goods transported.*

**Keywords:** applicable law, international transport, Danube.

## SOCIETATEA SIMPLĂ – FORMĂ SOCIETARĂ DE DREPT COMUN

Valeria Gheorghiu<sup>1</sup>

**Abstract:**

*The importance of the distinction between legal entity and unincorporated entities translates into protection for third parties. If necessary formalities in the first case of establishment, registration, licensing, in the second case, such arrangements do not exist. From the Civil Code regulations, resulting indirectly simple that even when companies are required to formalities for the establishment vis third parties. It notes that simple society, which is actually a contract oppose apparently institution.*

**Keywords:** professional, contract, company legal personality.

# NORMAREA ACTIVITĂȚILOR DIDACTICE ȘI FUNCȚIILE SPECIFICE DIDACTICE DIN CADRUL INSTITUȚIILOR DE ÎNVĂȚĂMÂNT SUPERIOR MILITAR, DE INFORMAȚII, DE ORDINE PUBLICĂ ȘI DE SECURITATE NAȚIONALĂ

*Mara IOAN<sup>1</sup>*

**Abstract:**

*Teachers in military, intelligence, public order and national security higher education have the same status as the ones of the civil institutions of higher education but they occupy specific positions in the indicated areas. In these circumstances the question is if apply to them, as regards standardization activities, the general rules of national education or the rules specific to the occupational defense, public order and national security.*

**Keywords:** *military, intelligence, public order and national security; higher education; teaching norm; working time; remuneration.*

## EFECTELE NELUĂRII LA CUNOȘTINȚĂ, DIN MOTIVE NEIMPUTABILE, DE ÎNCHEIEREA CONTRACTULUI

Laura ILIESCU<sup>1</sup>

### **Abstract:**

*According to the acceptance s reception system, a contract shall be considered concluded when the acceptance of the offer ame to the bidder, regardless of whether the reasons of not being informed are attributable to or not.*

*Although the offeror, on grounds not related beyond his will, it does not take knowledge of that acceptance, as long as the intention to conclude the contract subsists on both sides, there is no reason for it not to produce legal effects.*

*This cause for accidental impossibility of the contract s performance shall not prevent the conclusion of it, giving the parts the opportunity to opt out of the contract to the extent that the initial interest is maintained.*

**Keywords:** *conclusion of the contract, performance of the contract, fortuitous impossibility of executing the contract s liabilities.*

### *III. ORDINE PUBLICĂ*

## CONSIDERAȚII PRIVIND ATACURILE ÎN REȚELE INFORMATICE WIRELESS

*Gabriel PETRICĂ<sup>1</sup>  
Ioan-Cosmin MIHAI<sup>2</sup>*

**Abstract:**

*User access to Internet network is an essential requirement nowadays. Modern technologies offer to both ordinary users and the business environment, the opportunity to be informed, to work together and to share information. Wireless networks have become in recent years an essential component found in public spaces, but also in corporate offices or at home. This paper presents an overview of the concept of WLAN and highlights the main types of cyber-attacks in a computer network.*

**Keywords:** *wireless network, security, cyber-attacks, piggybacking.*

## SISTEMUL INFORMATIC SCHENGEN

*Marcela ANTOFIE<sup>1</sup>*  
*Narcisa Ioana VOICULESCU<sup>2</sup>*

**Abstract:**

*Creating an information system - the SIS was one of the most important compensatory measures for the abolition of controls at internal borders in the fight against cross-border crime.*

**Keywords:** *Schengen, Schengen Informatic System, border, cross-border crime.*

## BIROUL SIRENE - INSTRUMENT DE COOPERARE ÎN SPAȚIUL SCHENGEN

*Narcisa Ioana VOICULESCU<sup>1</sup>*

**Abstract:**

*With becoming a full member of the EU, Romania has entered a new phase, which involved the preparation and adoption of the necessary measures to eliminate internal border controls in future Schengen accession.*

**Keywords:** Schengen, Sirene Office, instruments for cooperation.

## ACTUALITĂȚI ȘI PERSPECTIVE - KRAV MAGA

Sorin LĂZĂRESCU<sup>1</sup>

**Abstract:**

*Due to its efficacy and all positive influences, the Krav Maga system has all the chances to become – as soon as possible - the most used training technique in the self-defense course given to students in the Police Academy. In addition, there is the possibility to extend it in the training program for the teaching staff, starting from their commitment to have continuing preparation in the self-defense area, but also to improve their basic motive qualities and the coordinative abilities.*

**Keywords:** Krav Maga, techniques, cops, combat, self-defens. training.

# ANALIZA NIVELULUI ÎNSUȘIRII PROCEDEELOR DE AUTOAPĂRARE FIZICĂ A STUDENȚILOR POLIȚIȘTI

Călin PALAGA<sup>1</sup>

**Abstract:**

*The purpose of this paper is to analyze the level of physical self-defense procedures assimilation which influences the professional training of student police officers in the higher education institute. With this aim in view we have considered that the performance of the analysis of the level of physical self-defense procedures assimilation during physical education lessons of the student police officers will highlight the efficiency of the implementation of the experimental model syllabus and their influence upon the professional education. The following research methods were used during the research: method of bibliographic study and specialized documents study; method of observation; method of experiment; method of tests; statistical method and graphical representation method. This scientific approach led to a pedagogical experiment conducted in "Al. I. Cuza" Police Academy, with with a group of 28 subjects(14 subjects in the experimental group and 14 subjects in the control group). The results of the study refer to the analysis of the level of physical self - defence procedures assimilation of student police officers at physical education subject, highlighting the marks of the tests within groups and the differences between groups at each tests*

**Keywords:** *assessment, physical self-defence, professional education, trening.*

## IMPLICAREA OCCIDENTULUI ÎN PROCESUL DE RECONSTRUCȚIE DIN AFGANISTAN

Cătălin ENUȚĂ<sup>1</sup>

**Abstract:**

*The West supports the Government of Islamic Republic of Afghanistan in its effort to create and strengthen the bases of police activity in the context of the urgent need to have a strong police force that could contribute to peace, security and safety of the Afghan people, in a state organized on democratic principles.*

**Keywords:** ANA - afghan national army, operation, mission, security, post-conflict stability, NTM-A, ISAF, EUPOL, PRT - provincial reconstruction team.

# ANALIZĂ ȘI PROPUNERI PRIVITOARE LA PREVEDERILE FINANCIAR-FISCALE ÎN DOMENIUL JOCURILOR DE NOROC TRADIȚIONALE ȘI LA DISTANȚĂ

Marius PANTEA<sup>1</sup>  
Odetta Cristinela NESTOR<sup>2</sup>

**Abstract:**

*The gambling industry in our country has actively participated together with the National Gambling Office in development of normative acts within the area, through the Consultative Council. During consultations relevant proposals were made, which have been transposed in normative acts. This article summarizes some proposals made by the gambling operators for tax regulation of the sector.*

**Keywords:** *gambling, taxation system, income, tax, legal provisions, National Gambling Office.*

## ASPECTE DE ORDIN GENERAL REFERITOARE LA ALIMENTAȚIA PUBLICĂ

Av. Lia Andreea DAN<sup>1</sup>  
Marius Cosmin POP<sup>2</sup>

**Abstract:**

*The food industry, being an industry producing consumer goods, has occupied and occupies an important place in the country's economy, and it constitutes an aspect of economic activity, which from an organizational perspective has a significant number of companies spread throughout the country. We present in this small study, the main directions, characteristics and classification of public food units in Romania, according to the rules governing the field.*

**Keywords:** *public food, consumer's health, specialized units, production and trade.*

## FACTORI CE DETERMINĂ SITUAȚIA OPERATIVĂ A REALITĂȚII RUTIERE

*Dragoș Andrei IGNAT<sup>1</sup>*

**Abstract:**

*The traffic is not an economic and social phenomenon in its own right. It is a part of life of a people or populations, communities and, as such, is influenced by the events and actions that take place in community life, particularly those involving the use of public roads.*

**Keywords:** *traffic safety, traffic reality, police work, driving, traffic participants.*

## FRAUDA „CAROUSEL”: BASIC CHAIN vs CONTRA TRADING CHAIN

Ovidiu ŞANTA<sup>1</sup>  
Ionuţ SPIRIDON<sup>2</sup>

**Abstract:**

*Missing trader intra-community fraud, known as “CAROUSEL” fraud, is one of the main sources of illegal funds that contribute to the “development” and growth of “black economy’s” GDP.*

**Keywords:** “CAROUSEL” fraud, missing trader intra-community fraud (MTIC), tax evasion, value-added tax, intra-community acquisition, intra-community supply, EU budget.