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Section II.

Interdisciplinary Approach in Administrative Sciences in the 21st Century

Friday, May 27, 2022

Online on Zoom

Keynote speakers:

*Professor **Mihai BĂDESCU**, Faculty of Law, Bucharest University of Economic Studies*

*Researcher **Cristina Elena POPA TACHE**, Vice-president of the European Association of Banking and Financial Law – Romania*

! Each paper will be presented within 15 minutes

! Fiecare lucrare va fi prezentată în maxim 15 minute

SCIENTIFIC PAPERS**DEGRADATION OF THE INSTITUTE OF PRESUMPTION OF INNOCENCE IN LATVIAN
LAW SYSTEM AND ITS INFLUENCE ON ADMINISTRATIVE AND CRIMINAL
INVESTIGATIONS IN THE FIELD OF TAX LAW**

Dr.iur.cand. Valerijs JAKUŠEVŠ
Riga Stradins University, Estonia

Abstract

The study considers that the general presumption of innocence enshrined in the Satversme of the Republic of Latvia was devalued at the lowest level and in the regulatory enactments adopted later in time (incl. In the Criminal Procedure Law and the Administrative Procedure Law). The devaluation of the presumption had a significant impact on the reduction of the importance of human rights in the administrative process and criminal proceedings, which in turn significantly affected the value of the principle of justice in taxation in the laws and regulations of the Republic of Latvia. The most important is the comparative method of law, which illustrates the genesis of legal norms in comparison with the legal normative regulation of the Republic of Estonia. The author sees the changes in the regulatory enactments that are extremely necessary in order to strengthen the democratic resources at the level of the European Union, which would promote the harmonisation of the principles of European law in the conditions of growing external threats.

**SAME AIMS, DIFFERENT PATHWAYS? DECONCENTRATED STATE ADMINISTRATION
IN CROATIA AND HUNGARY**

Assistant professor Iva LOPIŽIĆ
Chair of Administrative Science, Faculty of Law, University of Zagreb, Republic of Croatia

Abstract

The vast of the contemporary literature on territorial administration in Central and Eastern European (CEE) countries focus on decentralization, regionalization, and democratization of local and regional self-government systems. However, the topic of deconcentrated state administration (DSA) as the counterpart of self-governing units in the territorial administration system has been only sporadically researched, especially from a comparative perspective. The aim of our paper is to compare the development of DSA in Croatia and Hungary, neighboring post-socialist countries that share a common institutional heritage from the Austrian-Hungarian Empire but that have taken different approaches to reform their DSA systems during the last thirty years of transition and post-transition period. Based on the comparative and institutional analysis, the presentation and paper tries to explore the interrelation of historical legacies and joint external pressures with national specificities that shape the institutional development of DSA and broaden theoretical knowledge on the role that this administrative subsystem plays in territorial administration systems in modern times.

**FEATURES OF ENSURING THE RIGHTS OF DRUG ADDICTS FOR REHABILITATION
IN UKRAINE AND THE EUROPEAN UNION: COMPARATIVE LEGAL ASPECT**

Professor Oleksandr SHEVCHUK

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Professor Viktor SHEVCHUK

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Abstract

This article explores the problems of legal regulation of the implementation of the "right of drug addicts for rehabilitation" in Ukraine, and the foreign experience of individual EU countries in this area. The methodology of this scientific work is based on the system of methods of general scientific and special-legal methods of cognition. This paper reveals the features of the implementation of the "right of drug addicts to rehabilitation", establishes the concept of "rehabilitation of drug addicts", as well as the term "right of drug addicts to rehabilitation", the legal status of individual subjects is studied. Who are involved in the implementation of rehabilitation services for drug addicts. It is proposed to divide legal acts that cover the implementation of the "right of drug addicts to rehabilitation" into two groups: (1) general and (2) special. It is emphasized that the legal framework that would cover an effective state system for the rehabilitation of drug addicts in Ukraine has not yet been created, and as a result, a large number of drug addicts do not have access to rehabilitation services, or do not receive them at all. Directions for optimizing the legislation of Ukraine on the rehabilitation of drug addicts are given, with an emphasis on the implementation in practice of effective programs for the rehabilitation of adolescents who are dependent on psychoactive substances, taking into account their age groups. It is proposed to adopt a special Law of Ukraine "On the rehabilitation of drug addicts. It is concluded that the effective implementation of advanced methods for the rehabilitation of drug addicts in Ukraine, taking into account international standards, should be a priority part of state policy, and it is important to use the principle of a holistic approach to the legal regulation of such rehabilitation assistance.

THE MEDIA IMPACT AND THE POLICIES FOR ENCOURAGING THE EMPLOYMENT OF CERTAIN SOCIAL GROUPS

Lecturer Agim BEQIRI
AAB College, Prishtina, Kosovo

Abstract

The issue of unemployment, both in our country, region and beyond, it is an acute and almost dominant problem at this time. The structural unemployment is one of the biggest problems in the area of unemployment and presents the most difficult type to solve. During the inconsistency of demand and supply, there are always certain groups of unemployed, for whom employment or reemployment is a difficult challenge, the solution of which sometimes becomes impossible without profound systemic solutions. These groups are encountered with the names of: 'vulnerable groups', 'marginalized groups', 'vulnerable social groups', 'excluded social groups', even though the differences are small between the various denominations, all the denominations from the aspect of employment opportunities point to one thing: they are groups that seriously or in no way have access or success in the labor market. These groups are exposed to certain social problems, rejections, stress, weakness and because of this situation, society has a social responsibility towards them and special measures and methods must be applied in all spheres of social life. However, these groups or individuals are persons who have no access to resources, institutions, and social developments. This leads to the impossibility of satisfying the needs of educational type, employment, cultural, participation, political, information, legal protection, etc. For the mitigation of unemployment, significant influence at this time, no doubt plays the role of digital media information, respectively the media.

CRIMINAL REMEDIES AND INSTITUTIONAL MECHANISMS FOR COMBATING CORRUPTION CRIMES: THE EXPERIENCE OF UKRAINE AND INTERNATIONAL APPROACHES

Professor Volodymyr CHERNIEI
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Associate professor Viktoriya BABANINA
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Associate professor Vita IVASHCHENKO
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Abstract

The article examines areas of combating corruption in Ukraine, as a country with a high level of corruption, and some other countries with successful experience in combating corruption crimes. The article highlights features of state policy and criminal legal means of combating corruption crimes in Ukraine. The shortcoming of the state policy in the field of overcoming corruption were revealed, among which is the fact that Ukraine does not meet the requirements of international instruments for interaction between government and the public. The mechanism of counteraction to corruption in Ukraine is defined and the reasons of high level of corruption in Ukraine are revealed. The international experience in the

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fight against corruption crimes has been studied in order to identify and borrow effective experience in combating corruption. The experience of countries with a low level of corruption shows that the system of measures to prevent corruption should be based on the principles of legality, publicity, transparency, inevitability of punishment of perpetrators of corruption crimes. Based on foreign experience, recommendations for improving the anti-corruption mechanism in Ukraine have been developed.

PUBLIC DISCOURSE OF MINORITY POLITICAL PARTIES IN KOSOVO

Lecturer Xhevahire IZMAKU
AAB College, Prishtina, Kosovo

Abstract

National minorities are very important impellers for democracy development and for guaranteeing, protecting and advancing the human rights and the citizens. Kosovo, according to its constitution has built up its state as a state of its citizens and not as a national state. Paper gives an insight in the existing constitutional-legal system regarding to the position of national minorities/communities and the perspectives from their political party viewpoint. Author with the paper, through the combined methodology and with the method of legal analysis and the teleological analysis gives a mirror on the legal position of communities, emphasizing discourse of minority political parties on the system and on the relations of minorities in regard the state and the system of Kosovo. Description, analysis and conclusions of this paper are expected to serve further in the ongoing academic, political and diplomatic discussion in Kosovo and broader.

THE CONSTITUTIONAL REVIEW OF THE STANDING ORDERS AND RESOLUTIONS OF THE PARLIAMENT

Associate professor Marieta SAFTA
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Abstract

The Constitution of Romania regulates the constitutional review of the Standing Orders of each Chamber of the Parliament, and the Law on the organization and functioning of the Constitutional Court regulates the constitutional review of the Resolutions of the Parliament. Over time, an established case-law of the Constitutional Court of Romania has been straightened out, likely to reveal both the extent of the constitutional powers and the rules to be complied with by the Parliament in adopting the resolutions, as well as the extent of the powers of the Constitutional Court in carrying out the above-mentioned powers. This study is aimed at highlighting the importance of the constitutional review of the Standing Orders and resolutions of the Parliament in order to ensure the rule of law.

**THE INFORMATICS INTEGRATED SYSTEM FOR THE ROMANIAN CIVIL STATUS
DOCUMENTS – PRACTICAL CONSIDERATIONS AND APPLICABILITY TO THE
CONSULAR OFFICES OF ROMANIA**

PhD. student Lucica TUDORAN

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PhD. student Anis BENABED

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Abstract

Romanian public administration (The Ministry of Interior) is involved in a huge project meant to computerize most of the public activity. This ambitious project is meant to create an informatics system putting together all the Romanian civil acts regarding the four-life events birth, marriage, divorce and death. This paper aims to study how the Romanian authorities are managing this digital process and what is the level of implementation of this project together with its applicability to the Romanian consular sector, which represents nowadays one of the greatest Romanian civil administrations, due to the massive well-known Romanian immigration. It should be said that there is no literature in this field and everything that will be written in this article is based on online open sources and the personal vision on this matter. The methods utilized are therefore the qualitative and quantitative analyses of data found in public sources: legislation, press releases or official sources (internet pages of the public institutions). The global vision that wants to transmit this article is a pragmatic one. Behind any abstract analyses of how things could be done better, we should determine concrete that could really work in the sector.

**THE REMOVAL OF ECONOMIC BARRIERS IN THE PROCESS OF SOCIAL
DECONSTRUCTION. LEGAL PRECEDENTS CREATED BY PROSBUL, THE VOC AND LOI
LE CHAPELIER**

PhD. student Bogdan-Radu HERZOG

School of Advanced Studies of the Romanian Academy

Abstract

The article explores the historical role plaid by interest and incorporation as corrosive forces employed in the process of transforming traditional societies. The Solve et Coagula method, which seeks the dissolution of natural identities and their replacement by man-made constructs, requires the annihilation of social, political and economic barriers which used to protect traditional societies. Legal precedents such as the prosbul of Rabbi Hillel the Elder, the establishment of the first modern corporation (VOC) and Loi le Chappelier are presented in this context. The works of major sociologists such as Weber, Davies, Ilie Bădescu or Cătălin Zamfir and economists such as Michael Hudson offer the theoretical framework for the analysis.

**INSTITUTIONS OF ADMINISTRATIVE LAW THAT PROTECT THE RIGHTS OF
TOURISTS, CONSUMERS OF HOTEL SERVICES IN ROMANIA/EUROPEAN UNION**

Associate professor Ioana Nely MILITARU

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PhD. student Laura Ramona NAE

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Abstract

In the field of tourism, especially in the HoReCa sector, the protection of customers-beneficiaries of consumers of hotel services and products is vital, because if these products and services are non-compliant, unsafe, they can affect and cause damage to the health and safety of consumers. In the legislative context, both at EU and domestic level, through a number of legal instruments, a number of measures are being taken to protect consumers' rights, including through alternative dispute resolution methods. The role of whistleblowers is also of particular importance because infringements of legal rules can be affected by: fair competition for all EU professionals, business, contractual relations, consumer rights, the interests of traders and shareholders in business investment. All this can ultimately lead to the destabilization of the internal market and, implicitly, of the international market, of the business environment.

DESIGNATION OF ORIGIN AND GEOGRAPHICAL INDICATIONS

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Abstract

The production, manufacturing and distribution of agricultural and food products play an important role in the state economy, but also in that of the European Union. The diversification of agricultural production can lead to a better balance between supply and demand. Moreover, it brings an economic benefit to the rural area by promoting products with specific characteristics in disadvantaged or remote areas, ensuring the increase in the population's income in these areas. At European level, a protection system has been established to ensure protection in each Member State of the European Union, which encourages the increasing use of the terms 'geographical indications' and 'designations of origin', an approach which deals with the optimal registration conditions for an equal competition between the producers, increased guarantees for the consumers that these designations clearly constitute a quality guarantee, as they allow the preservation of the specificity of the product. Similar to other Member States of the Union, in 2011 Romania transmitted to the European Commission, according to the provisions of Regulation (EC) no. 1234/2007, the technical specifications corresponding to all the controlled designations of origin (DOC) and geographical indications (GI) for products used at national level, drawn up by the producers' associations established in the geographical areas demarcated by DOC and GI, in order to ensure their protection based on the above-mentioned European legislation.

COMPETITION COUNCIL IN UKRAINE

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Abstract

Even in the present context, we must now the legal preconditions for the harmonization of Ukrainian legislation in the field of competition law with the law of the European Union. Due to its evolution, the competition law has been, and remains, a priority in the harmonization process of Ukrainian legislation. This aspect now is very important due to Ukraine determination to become member of European Union and because is one of the Romania s neighbors

LEGAL ASPECTS OF ILLEGAL LOGGING

Lecturer Ovidiu-Horia MAICAN

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Abstract

In response to the world problem of illegal logging and fishing, and the failure of the international community efficaciously to tackle the problem, the European Union has moved to tighten its personal regulations. The EU law on unlawful logging establishes a licensing procedure with nations that have entered into voluntary partnership agreements (VPA) with the EU. The EU regulations is presently being developed to try to ensure that unlawful timber from all nations is excluded from the EU market. The problem is considered important in USA too.