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CONTEMPORARY CHALLENGES IN
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Section II.

Interdisciplinary Approach in Administrative Sciences in the 21st Century

Friday, May 21, 2021

Online on Zoom

Keynote speakers:

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

Assistant professor **Andreea Stoican**, Faculty of Law, Bucharest University of Economic Studies

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SCIENTIFIC PAPERS

**HARMONISATION OF HIGHER EDUCATION SYSTEM FOR THE PURPOSES OF PUBLIC
ADMINISTRATION EFFICIENCY IMPROVEMENT – SOME OF THE PROPOSITIONS FOR
SUCCESSFUL REFORM IMPLEMENTATION**

Assistant professor Jelena DUJMOVIĆ BOCKA

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Abstract

In this paper the author addresses the issue of recognition of the harmonization process as a significant part of higher education system reform in the Republic of Croatia. The first part of the paper emphasizes neo(institutionalism) as a theoretical approach, which has once been used in conducting empirical research, while at the same time confirming both the hypothesis that the national systems are more frequently being harmonized, as well as its sub-hypothesis, that the harmonization of national systems of higher education is mostly the result of Europeanisation process (along with its corresponding indicators – the Bologna process implementation, international collaboration – inter-institutional cooperation between institutions of higher education, project activities, European higher education politics, teaching and non-teaching staff mobilities). The basis for the paper refers to the Bologna process, that has been recognised as the key contributor for harmonization with the European system of higher education and has, as such, been implemented into the Croatian system of higher education. The necessity for applying the same and/or similar institutional propositions, that is, the necessity for approaching the common model is considered to be the centre of reform goals. The final part of the paper presents the results of a part of the mentioned research, which verify the aforementioned hypothesis and its sub-hypothesis and refer to specific propositions which should be taken into consideration for more successful reform implementation in one of the most significant public administration areas, public service, or better said, higher education system as part of public service.

**HUMAN RIGHT TO VIRTUAL REALITY IN THE HEALTHCARE:
LEGAL ISSUES AND ENFORCEMENT PROBLEMS**

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PhD. Oleg BULULUKOV

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Abstract

A key feature of modern legal relations in the healthcare sector is the widespread use of digital technologies. This study describes certain aspects of the legal regulation of the human right to virtual reality in the healthcare sector and the problems of law enforcement. The methodology of this work is based on an interdisciplinary approach using comparative legal, dialectical and systemic methods. The main objective of this article is to determine the forms and directions of the use of virtual reality in health care in the context of human rights. It is emphasized that the introduction of smart technologies, virtual reality in the healthcare sector is the main modern trend in the development of healthcare in order to improve the provision of healthcare services. The human right to use virtual reality in healthcare is to ensure the actions of virtual reality users within the framework of virtual information relations in the healthcare sector, which are governed by the relevant legal norms. The human right to use virtual reality in healthcare is a fourth generation of human rights. These rights include all rights that have arisen as a result of scientific progress, the development of morality, namely "somatic rights", as well as information rights. The use of virtual reality in the healthcare sector is possible in the following areas, namely: (1) medical training, (2) surgical modeling, (3) rehabilitation, (4) psychotherapy and psychology, (5) ophthalmology (6) telemedicine, etc. It is stated that user safety, privacy, freedom of expression, ethics and copyright protection in the use of virtual reality in healthcare require legislative regulation, taking into account the European experience. The virtual space in the healthcare sector provides opportunities for the realization of human rights and freedoms regarding the preservation of their health, but can be used to carry out actions that contradict the norms of law and have illegal behavior. The latter requires an improvement in the regulatory framework when using the virtual space of the healthcare sector to protect the interests of the individual, society and the state using international standards.

CAPACITY BUILDING OF CIVIL SERVANTS IN KOSOVO

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Abstract

Efficient civil service remains the cornerstone for the overall social development of a country. This is of enormous importance for transitional societies facing many challenges that hinder administrative institutions development towards accountability and transparency. In Kosovo context, the capacity of civil servants to develop and implement public policies plays an essential role in determining the results of reforms and progress towards achieving certain institutional objectives. Consequently, the performance of the public administration in general depends mainly on the skills and professional capacities of civil servants. Kosovo Institute for Public Administration is an executive agency established with the purpose of enhancing the skills of civil servants through specially designed training programs. Nevertheless, professionalism remains one of the biggest challenges for the civil service in Kosovo, which is failing to fulfill its function to the extent required by legal provisions. This paper analyzes the efforts undertaken in Kosovo to increase the professional capacity of civil servants through thematic training programs. In order



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to achieve the objectives of the research, qualitative, quantitative, normative and comparative methods have been used to reveal the legal obligations of increasing the skills of civil servants by comparing it with the established practices.

CHICAGO SCHOOL ANALYSIS ON VERTICAL RESTRAINTS

Associate professor Sónia de CARVALHO

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Abstract

In the early 1930s, an ideological movement developed at the University of Chicago that, having started by focusing on the economy, became known as the Chicago Economic School. One of the cornerstones of this school was the renewal of competition policy to the consumer welfare (consumer welfare), understood here in a broad sense. For Bork, economic efficiency corresponds to the maximization of wealth, which is equivalent to the welfare of the consumer, since it allows lower costs, lower prices and increased production of products and services desired by the consumer. The Chicago School role in rehabilitation, using empirical analysis, the competitive and efficiency effects of vertical restraints, hitherto considered anti-competitive, exerted a significant influence on US competition law and, in recent years, in European competition law, justifying the analysis of its main characteristics. The explanation found by Chicago School, which, unlike the Harvard School, was able to point to efficiency as a justification for these practices, called by Williamson nonstandard, is based on the overcoming by Chicago School of the perfect competition model advocated by Price theory. The Chicago School's analysis of these restrictions also accepts the existence of market failures in the relationships between distributors and producers resulting from the high transaction costs and materialized in vertical and horizontal externalities. This paper aims at demonstrating the existence of a continuity relationship between the Chicago School and the Theory of Transaction Costs, showing that the approach by the Chicago School to vertical restrictions reveal, in several aspects, the proximity to the Transaction Cost Theory and the rejection of the perfect competition model. The analysis of economic aspects of vertical restraints performed by Chicago School, forestalling the Transaction Cost Theory, assumes particular importance as it has been shaping the US and European antitrust policy towards vertical agreements, challenging the competition law approach in the 21st Century.

APPOINTMENT OF CONSTITUTIONAL JUDGES. A COMPARATIVE LAW PERSPECTIVE

Associate professor Marieta SAFTA

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Abstract

Given the role of constitutional courts essentially expressed by the idea of guarantors of the supremacy of the Constitution, the independence of these courts is crucial for a genuine democracy. In this context, the appointment of constitutional judges is a topic for debate by academia and legal practitioners, on the one hand, and politicians, on the other hand.



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Foreshadowing a broader analysis of the issue of the independence of constitutional courts in the Kelsenian model, this Communication addresses the issue of the appointment of constitutional judges, with special reference to the European frame of reference. Taking into account the rather heterogeneous nature of the regulations are highlighted elements that will ensure to a large extent the desideratum of independence and public trust in constitutional justice. For a clearer identification of these elements, the analysis is structured in the sense of the distinct presentation of the authorities that make the appointment of constitutional judges, the procedures of appointment, and the necessary conditions for the position of constitutional judge. The conclusions section proposes a set of good practices regarding the appointment of constitutional judges.

**RECENT DEVELOPMENTS OF THE EUROPEAN UNION INSTITUTIONS: CONSUMER
POLICY ADVISORY GROUP**

Assistant professor Juanita GOICOVICI
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Abstract

The study addresses the problematics of the recent foundation of the Advisory Group on Consumer Protection Policy on 22 December 2020, the first meeting of which took place on 21 February 2021. Pursuant to the launching by the European Commission of the New Consumer Protection Agenda, the Commission's Directorate-General for Justice and Consumers (DG JUST) intended to set up an expert group, namely the „Consumer Policy Advisory Group”, whose structure will bring together representatives of consumer organizations, civil society and industry, with the main mission of assisting the European Commission in a future implementation of the Consumer Protection Agenda from 2021-2022 on. It will provide expert advice on the implementation of the consumer protection agenda, both in terms of public policy, as well as on the 22 types of concrete actions in key areas of consumer policy. The paper underlines the main competences of the newly-established group of experts, which will suggest operational actions to the European Commission in terms of the implementing the high-level priorities set out in the New Consumer Agenda as input into the yearly priorities which were discussed at the annual Consumer Summit. Consequently, the CPA Group will contribute to the monitoring by the European Commission of the implementation of annual operational actions posterior to the conclusion of the annual Consumer Summit and will assertively assist European Commission services in the preparation and the implementation of legislative and non-legislative actions delivering on the priorities of the New Consumer Agenda. Nonetheless, the CPA Group is determined to foster exchange of experiences and good practices on the areas of the New Consumer Agenda, thus contributing to the fortifying of the actioning capacity of consumer organisations and to the intensifying of the latter's progress.

ROMANIA IN THE CONTEXT OF RENEWABLE ENERGY SOURCES

PhD. Lidia-Lenuța BĂLAN
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Abstract

Romania's energy policy, although it has undergone a constant process of transformation and adaptation, in the sense that it has faced a series of challenges and uncertainties dominated by economic, political,



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cultural, climatic factors and alignment with international regulations and European, however, is in a position to build new energy production capacities, new refurbishment and modernization capacities for energy production, transmission and delivery, as well as to stimulate increased consumption. internally in conditions of sustainability and efficiency of the energy sector. The conditions of sustainability and efficiency of the energy sector largely involve the exploitation and capitalization of the existing potential of energy from renewable sources, regardless of whether we are talking about wind energy or geothermal energy. This study aims to detail in general the regions of Romania, with its areas where the potential of wind energy and geothermal energy is found in order to maintain the functionality of the national energy market based especially on the exploitation and capitalization of energy potential from renewable sources.

**THE LEGAL GENERIC AND SUBGROUP SUBJECT-MATTER
OF CRIMES RELATED TO ILLEGAL PRACTICE
OF FINANCIAL ACTIVITY**

PhD. student Cristina CHIHAI

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Abstract

The classification of a prejudicial act pursuant to Article 241¹ [Illegal Practice of Financial Activity] of the Penal Code of the Republic of Moldova depends directly on the accurate determination of the crime objective and subjective constituents. The starting point to this end is to define the subject-matter of crime. This paper is aimed to review the complexity of the subject-matter of crimes related to illegal practice of financial activity. Hence, the social relations on the national economy are the generic legal subject-matter of the crime concerned. Moreover, the subgroup legal subject-matter is also present due to the wide scope of the national economy, which incorporates different spheres of activity. In case of crimes related to illegal practice of financial activity this subject-matter is composed of social relations covering the entrepreneurial activity. Ultimately, we shall mention that the identification of social relations affected by the committed crime involves truthful and consistent application, by the law enforcement bodies, of the provision set forth by Article 241¹ of the Penal Code of the Republic of Moldova.

**ARGUMENTS FOR DECLARING THE UNCONSTITUTIONALITY OF PARA. (1) OF
THE SOLE ARTICLE OF THE GOVERNMENT EMERGENCY ORDINANCE NO. 4/2012**

Associate professor Marta-Claudia CLIZA

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Lecturer Laura-Cristiana SPĂȚARU-NEGURĂ

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Abstract

The objective of this study is to present our arguments on the unconstitutionality of para. (1) of the sole Article of the Government Emergency Ordinance no. 4/2012 on certain temporary measures to strengthen the regulatory framework necessary for the application of certain provisions of Title VII of the Law no. 247/2005 on the reform in the fields of property and justice, as well as certain related measures. Considering that the deprivation of the main and accessory effects of the right of ownership, guaranteed



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by the Romanian Constitution and established by law, requires an express regulation and cannot be a consequence of the interpretation of an unclear rule, we consider that the provisions of para. (1) of the sole Article of the aforementioned normative act does not comply with the constitutional requirements of precision, clarity and predictability, as they are liable to be applied contrary to the constitutional provisions protecting both the separation and balance of state powers and the main and accessory effects of the right to property.

**APPLICATION OF EXCEPTIONAL MEASURES, IMPOSED BY THE STATE OF
EMERGENCY, IN ROMANIA**

Lecturer Raluca Antoanetta TOMESCU

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Abstract

Recently, the society faced a series of special events, due to the risk situation caused by the spread of the SARS-CoV-2 virus at the international level, which forced the countries of the world to take special measures. At national level, this context was reflected in some exceptional measures in the institutions, namely the decree of the state of emergency, on the entire territory of the country and the restriction of some fundamental rights, for the first time in post-December Romania. Beyond the impact of the moral, economic or legal consequences, which it had on the community of institutions of these extremely drastic measures, the society had to face, not only with new social orders, but also some unclear situations, which aroused countless controversies over the meaning and application of legal rules, the interpretation of which raises even more questions and endless controversy. Therefore, we considered that a retrospective look at the basis of the measures implemented and the practical way in which they are applied is self-imposed.

FREE COMPETITION - INTERNATIONAL DIMENSION

Lecturer Ovidiu-Horia MAICAN

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Abstract

We can see in the last four decades the profound and growing extent of international economic relations. As an effect, are necessary international economic institutions such as World Trade Organization (WTO). A number of newer subjects are now regulated by WTO (competition policy, human rights issues, investments rules, environment, labour standards, sanctions, disputes settlement). When we are speaking about such the topic of competition at international level, the main institution involved is World Trade Organization (WTO). At present WTO has an important role in ensuring the free competition in international trade (business) relations. It got this role from GATT.



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THE ENGLISH JUDICIAL SYSTEM

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Abstract

England and Wales have a unified court system, based on common law principles. Scotland and Northern Ireland each have their own judicial systems. The court system in Northern Ireland is close to England and Wales system, while the Scottish court system is mixing elements of both common and law and civil law systems. In England and Wales, most civil cases are analyzed in the County Court. All criminal cases begin in the Magistrates' Court, but more serious offenses are going to the Crown Court. The High Court is both a court of first instance for high value civil claims and as an appellate court for civil and criminal cases. The Court of Appeal is only an appellate chamber. The Civil Division hears appeals from the High Court and the County Court, and the Criminal Division hears appeals from the Crown Court.

**CONSIDERATIONS FOR SOME SOCIAL PROTECTION MEASURES ADOPTED IN THE
CONTEXT OF THE SPREAD OF SARS-COV-2 CORONAVIRUS**

Associate professor Ana VIDAT

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Abstract

Against the background of the actual situation – characterized by the repeated prolongation of the state of alert due to the epidemiological situation – it was necessary to regulate in concreto terms support measures for employees, employers and other categories of economically active professionals. We consider it wise for the legislator to use the legal framework to ensure that emergency measures are taken, exceptionally, in the social and economic field – otherwise serious harm, with long-term effects, to employees, employers and other categories of professionals. In the article we will make brief comments on support measures for employees and employers in the context of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus and the way in which it seeks to stimulate employment growth.

**JURISDICTION OF THE COURTS REGARDING THE SETTLEMENT OF DISPUTES
REGARDING FORMER HIGH OFFICIALS OR PUBLIC OFFICIALS**

Lecturer Adriana DEAC

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Abstract

Recently, in the practice of the courts, I have noticed a different approach regarding the settlement of some litigations having as object the patrimonial liability of some persons who, at a certain moment, had either the quality of high official or the quality of public official. It is not an isolated case, it is about a significant number of lawsuits, about 20. Surprisingly, although in all these cases, the quality of plaintiff had the same national authority and the quality of defendants had, relatively, the same persons, the solutions of the courts were different, even contradictory, in terms of material, functional and territorial



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competence to resolve these disputes. The present paper aims to analyze the relevant court decisions in terms of legal issues, without discussing the merits of the cases, but only the procedural exceptions, inadmissibility and material and functional non-competence of the courts notified in resolving those disputes. In conducting the study, I will consider the methods of interpreting legal rules, respectively grammatical, logical and systematic, the purpose being to clarify this legal issue and to provide help, support to those who, perhaps, at some point, may face this situation.

**PROPOSALS FOR LEGISLATIVE AMENDMENTS REGARDING THE ESTABLISHMENT OF
THE LEGAL REGIME OF THE DECISIONS ISSUED BY THE UNIVERSITY ETHICS
COMMISSION - BETWEEN NECESSITY AND URGENCY**

Lecturer Laura MANEA

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Lecturer Cristina Mihaela SALCĂ-ROTARU

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Abstract

Speaking of university ethics since the first decade of the XXII century, we would be tempted to consider that the principles of academic ethics are relatively recent or that the need for regulation has become urgent in the current context of the information society, where plagiarism, for example, is favored by internet technology. In fact, what is recent is the intervention of the legislator, including in the Romanian education system, in establishing the rules for sanctioning the violation of the principles of university ethics. The study starts from the principles of the national higher education system enunciated in art. 118 of Law no. 1/2011, analyzes the regulations of the section dedicated to university ethics in the special normative act (art.306-310 and art.318-326 of the National Education Law) but also of other normative acts (Law no. 206/2004) and refers to the analysis of content and statistics of the decisions of the courts invested to pronounce on the appeals of the decisions aiming at sanctioning the deviations from the university ethics. The conclusions are in the sense of the need for legislative harmonization of the provisions incident to the activity of university ethics commissions between the two normative acts, Law no. 206/2004 and Law no. 1/2011, at least regarding the framing of decisions/reports of ethics commissions between act labor law or administrative act and the elimination of ambiguity from legal texts. Finally, proposals for legislative changes deemed appropriate for legislative harmonization are presented.

CONSIDERATIONS FOR THE "DIGITAL SINGLE MARKET"

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Abstract

With the Communication from the Commission, entitled "Single Market Act" of 2010, on the Europe 2020 Strategy, the issue of the internal market is relaunched by the European Union institutions. The field of progress of the internal market is oriented towards the digital single market. The European Union is thus becoming a digital player, which means for the Member States a transformation and adaptation to the information society. A key role in the completion of the digital internal market is played by the Commission,



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which has tabled numerous legislative proposals since 2010, in parallel with the European Parliament, which has adopted a number of resolutions to this effect. In the context of these regulatory concerns, many questions are emerging about how the digital single market responds to the needs of citizens, businesses and beyond.