

# CONSTITUTIONAL DISPOSITIONS REGARDING LEGAL LIABILITY

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## **Abstract**

*Along history, by way of common law or written means, the states were concerned with creating rules regarding the state bodies exercising political power at a certain given moment, as well as rules regarding the establishing and exercise of power, all these materializing in a document with fundamental value or transmitted via historical habits and traditions. In the present study, we attempt to capture the manner in which the Constitution of Romania, considered a rigid Constitution, captures the legal regime of liability. Also, the analysis will sometimes mingle with the presentation of the Constitutional Court's role in treating this subject.*

**Keywords:** *Constitution, liability, review, decision, person injured in a legitimate right or interest.*

## **Introduction**

We aim, in the following, to present the manner of regulating legal liability in the country's fundamental law. A rigorous approach, from the scientific point of view, determines us that, before proceeding to the analysis of the actual topic of our study, to make a presentation of the notion of Constitution and of its importance in a state.

The weight center of the paper is represented by the analysis of the senses of the legal liability expression, regulated by the Constitution.

Finally, we aim to achieve a synthesis of the conclusions drawn after the analysis performed and to try to identify the answer to the question: does legal liability have constitutional consecration or not?

### **Section 1. The notion of Constitution and its importance in a state**

As a viewpoint was expressed in the doctrine, the Constitution is a fundamental politic document; it expresses a philosophy and an ideology<sup>1</sup>; it is a coded product of the political circumstances and of the social conditions existing at the moment of its writing and, in time, it becomes a system of conjectural resources.<sup>2</sup>

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<sup>1</sup> Ion Deleanu, *Justiția constituțională*, (Lumina Lex Publishing House, Bucharest, 1995), p. 62.

<sup>2</sup> Ion Deleanu, op.cit., p. 65.

Etymologically, the word originates from the Latin noun “*constitutio*”, which means disposition, order, and in the system of law it evokes the edict signed by the emperor and whose legal force was superior to the other legal acts adopted by the public authorities of the empire.<sup>3</sup>

As it is known, in the world there are two types of Constitutions: common-law based and written. In Romania, the Constitution is written, the current one having been adopted in year 1991. The Constitution of year 1991 was reviewed through Law no. 429/2003 for the review of the Romanian Constitution, being published in the Official Gazette no.767/10.31.2003 by care of the Legislative Council, the names being updated and the text being re-numbered, after it was approved through the national referendum that was run in October 2003.

In the doctrine it is stated that the supreme law of any state – the Constitution is a politico-legal fundamental act, inspired by a certain political and social philosophy and adopted by the nation or in its name, in order to establish the form of state, the manner of organizing and functioning of the state powers and the relations between them, the general principles of society’s legal order, as well as the citizens’ rights and duties, document that is adopted and modified according to a special procedure.<sup>4</sup>

Of course, the principle of the supremacy of the Constitution and of the compulsory character of the law signifies the fact that, on the one hand, the supremacy of the Constitution is based on its supra-ordered position, “*at the top of the legal system pyramid, generating constitutional supralegality, applicable to this entire system*”<sup>5</sup>.

## Section 2. Constitutional dispositions regarding legal liability

Studies of legal sociology warn regarding the fact that the disillusioning of society’s expectations towards the law is particularly related to liability, that law cannot exercise its influence in society, except to the extent to which it manages to identify the responsible person and to establish liability<sup>6</sup>.

According to the provisions of art. 1 para. (5), liability has constitutional value and is expressed as such: “In Romania, the observance of the Constitution, of its supremacy and of the laws is compulsory”.

The establishment of a certain form of legal liability for committing anti-social deeds depends on the will and interests of those leading the state at that moment, on the importance of the social values that must be protected, according to the evaluation given by the governed persons, for the purpose of the full protection of these values<sup>7</sup>.

At a first lecture on the reviewed Constitution we notice that we find, in different contexts, either the word *liability*, or the word *responsibility*. At the same time, we noticed the fact that we find indications on responsibility in the form of the guarantees established in the Romanian Constitution, reviewed.

<sup>3</sup> Cristian Ionescu, *Regimuri politice contemporane*, (All Beck Publishing House, Bucharest, 2004), p.1, quoted by Verginia Vedinaș, *Drept administrativ*, 4<sup>th</sup> edition, reviewed and added, (Universul Juridic Publishing House, Bucharest, 2009), p. 47; Tudor Drăganu, *Drept constituțional*, (D.P. Publishing House, Bucharest, 1972), p. 45.

<sup>4</sup> Cristian Ionescu, *Contencios constituțional*, (Universul Juridic Publishing House, Bucharest, 2010), p. 18.

<sup>5</sup> M. Constantinescu, I. Muraru, A. Iorgovan, *Revizuirea Constituției, Explicații și comentarii*, (Rosetti Publishing House, Bucharest, 2003), p. 6, quoted by Rozalia-Ana Lazăr, *Legalitatea actului administrativ*, (All Beck Publishing House, Bucharest, 2004), p. 7.

<sup>6</sup> Sofia Popescu, *Teoria Generală a Dreptului*, (Lumina Lex Publishing House, Bucharest, 2000), p. 300.

<sup>7</sup> V. Dongoroz and others, *Înlocuirea răspunderii penale pentru unele infracțiuni cu răspunderea administrativă sau disciplinară*, (Academiei Publishing House, Bucharest, 1975), p. 9 quoted by Dumitru Brezoianu, *Drept administrativ român*, (All Beck Publishing House, Bucharest, 2004), p. 115.

Thus, in the following we shall present in our own manner a selection of the texts we consider relevant for the topic suggested, regarding the law-making power, the executive power and aspects related to magistrates' liability.

With respect to the *law-making power*, in the Constitution, on the one hand, we find express articles regarding parliamentarians' liability and, on the other hand, from the corroboration and interpretation of other articles we deduce the type of liability.

Thus, if in art. 72 it is stipulated that *deputies and senators cannot be made legally liable for their political votes or opinions expressed in the exercise of their mandate*, which basically means the absence of liability for opinions and votes, in art. 69 it is not expressly stipulated their liability, however, it is deduced by way of interpretation, from the content of the text, namely: "*in the exercise of their mandate, deputies and senators are in the service of the people*", which means, we interpret, that they have a constitutional liability, being people's representatives.

On the other hand, with respect to immunity, paragraphs 2 and 3 of art. 72 detail regarding the criminal liability of deputies and senators. In completion of the constitutional texts, there is Law no. 7/2006 regarding the statute of the parliamentary public servant.<sup>8</sup> In Chapter VI, called the disciplinary liability of parliamentary public servants, through art.78 of this law it is established that: *parliamentarian public servants are disciplinary, contraventionally, civilly and criminally liable, in the conditions of the law*. In the doctrine it was shown that the chapter name should be corrected, in the sense in which it becomes the legal liability of the parliamentary public servants because there is an inconsistency between the chapter name and its content, in the sense that the name refers exclusively to the disciplinary liability of the parliamentary public servant, while in its content we find reference to the other forms of liability, as well.<sup>9</sup>

*With respect to the executive power*, first of all given the fact that in Romania we speak about a bicephalous Executive, we shall refer hereinafter to the Government, but also to the President of the country.

On the one hand, regarding the Government, there are at least two types of liability, one legal and one political.

We notice that from the analysis of art. 109 of the Constitution, called "The liability of members of Government", it derives that it has in its content provisions regarding ministerial liability, being under this aspect, we consider, slightly different in content from parliamentarians' liability. Art. 109 of the Constitution has the following wording:

*"Para. (1): The Government is politically liable only before the Parliament for its entire activity. Each member of the Government is politically liable jointly with the other members for the Government activity and for its acts.*

(...)

*Para. (3): The cases of liability and the punishments applicable to the Government members are regulated through a law regarding ministerial liability."*

The law regarding ministerial liability, to which the constitutional text refers, is Law no. 115/1999<sup>10</sup>. Apart from this text, the Constitution also establishes other cases of Government's political liability. On the one hand, there are the provisions of art. 112, para. (1), which stipulate that Government and each of its members have the *obligation to answer the questions or interpellations formulated by the deputies or senators* in the conditions established in the Regulations of the two

<sup>8</sup> Law no. 7/2006 regarding the statute of the parliamentary public servant, published in the Official Gazette no. 35/2006, with the subsequent modifications and completions.

<sup>9</sup> Verginia Vedinaş, *Statutul juridic al funcţionarului public parlamentar*, (Universul Juridic Publishing House, Bucharest, 1996), p. 161.

<sup>10</sup> Law no. 115/1999 regarding ministerial liability, published in the Official Gazette no. 300/1999, updated with all up-to-date modifications.

Chambers of Parliament. Then, according to the provisions of art. 114 with respect to committing the Government's liability, it is understood that the *Government can commit its liability* before the Chamber of Deputies and the Senate, in joint session, on a program, a general policy statement or a law draft.

*Regarding the President of the country*, in the Constitution there are established two types of liability: both political and legal, regulated by art. 95 regarding the "suspension from office" and art.96 regarding the "indictment".

Thus, according to art. 95, the procedure for making liable for *serious deeds* through which the President is breaching the provisions of the Constitution, is started by at least 1/3 of the number of deputies and senators. The list of parliamentarians is submitted to the chamber's general secretary, and the submission date officially marks the start of the procedure to indict the President, in view of suspension<sup>11</sup>. The General Secretary will communicate to the President a copy of the list and the reasons for the notification, and the setting of the Chamber where the suspension proposal is officially registered is made according to the share the deputies or senators have on the list.<sup>12</sup>

The following stage in this procedure is to notify the Constitutional Court, in view of issuing the *consultative approval*, the President being able to come and give explanations before the Parliament, but the latter has no obligation in this sense, the constitutional text not indicating that it has such obligation. Subsequently, the Parliament debates the proposal to suspend the President afterwards, and in favour of the suspension proposal must vote the majority of the deputies and senators. The referendum for the demoting of the President is organized within at most 30 days since the vote of the Parliament and the obligation to organize it is due to the Government.

The project to review the Constitution in year 2011 proposed several changes of the text, among which with respect to the President's political liability.<sup>13</sup> Regarding the modification and completion of art. 95 of the Constitution, two new paragraphs were inserted, such as the text after completion was proposed to be:

(1) In case of committing serious deeds through which he/she breaches the provisions of the Constitution, the President of Romania can be suspended from office by the Parliament, with the vote of the majority of its members, after obtaining the compulsory approval of the Constitutional Court with respect to the seriousness of the deeds and the breaching of the Constitution.

(1<sup>1</sup>) *"The continuation of the suspension procedure is conditioned by the favourable approval of the Constitutional Court. The President may give explanations to the Parliament regarding the deeds imputed to him/her.*

(1<sup>2</sup>) *In case of obtaining a negative approval from the Constitutional Court, the suspension procedure will cease".*

(2) The proposal of suspension from office can be initiated by at least one third of the parliamentarians' number and is immediately brought to the President's knowledge.

Also in this context, art. 146 letter h.) is also modified: *"The Constitutional Court gives mandatory approval for the proposals to suspend from office the President of Romania"*.

In conclusion, we believe, according to the draft text there are at least two novelty elements: the legal nature of the approval changes from consultative to compulsory and, on the other hand, the people cannot be consulted and, we consider, through this is breached the principle of legal symmetry. The suspension of the President will be conditioned by the favourable approval of the Constitutional Court, from which it derives that the Parliament loses its decisional power regarding

<sup>11</sup> Marta Claudia Cliza, *Drept administrativ. Part I*, (Universul Juridic Publishing House, Bucharest, 2011), p. 109.

<sup>12</sup> Idem, p. 109.

<sup>13</sup> [http://www.presidency.ro/static/Tabel\\_comparativ\\_textul%20actual\\_Constitutiei-text\\_propus-1%20iunie%202011.pdf](http://www.presidency.ro/static/Tabel_comparativ_textul%20actual_Constitutiei-text_propus-1%20iunie%202011.pdf), accessed on the date of January 15, 2012.

the start of the suspension procedure, the Constitutional Court being the one to settle this matter and, practically, the weight center will move from the Parliament to the Constitutional Court in this procedure.

From our point of view, this proposal to modify art. 95 of the Constitution is not exactly appropriate, the *proposal to transform the approval from consultative in mandatory* being even not inspired, because the people are left out of this equation. Not lastly, we can consider this change as a legitimation of the President's power, the President being almost impossible to suspend under these conditions, when he/she commits serious deeds, of a nature that would make him/her susceptible of being sanctioned. The Parliament will have no decisional power in suspending the President because the initiation of such a measure can always be blocked by the negative approval of the Constitutional Court, leaving it without any legal end.

More inspired, we believe, would have been another completion to art. 95 of the Constitution, regarding the self-dissolution of the Parliament, in the case the people, consulted through referendum, would vote negatively, against the demotion proposal.

As we expressed an ample point of view, in year 2010 the Law of the Constitutional Court no.47/1992 was modified through Law no. 177/2010 for the modification and completion of Law no. 47/1992 regarding the organizing and functioning of the Constitutional Court, of the Romanian Civil Procedure Code and of the Criminal Procedure Code<sup>14</sup>, and, at that moment, we considered this change unconstitutional, prior and contrary, to the opinion of the Constitutional Court to reject the unconstitutionality exception, which was adopted much later, in September 2010<sup>15</sup>.

Among others, the modified text referred to the fact that the competence of the Constitutional Court was completed by consecrating its duty to give opinions on the constitutionality of the decisions of the sessions of each Chamber of the Parliament and of the decisions of the joins sessions of the two Chambers, through the modification of art. 27 para. (1) of Law no. 47/1992. We appreciate this modification of Law no. 47/1992 as being unconstitutional, behind this legislative text hiding, in fact, an attempt to review the Constitution of Romania.<sup>16</sup>

With respect to *criminal liability*, the procedure is established in art. 96 of the Constitution and it is triggered by the President's deed of high treason. This procedure presupposes two stages: the political stage, which takes place in the Parliament, and the legal stage, which will unfold before the criminal investigation bodies and before the court of law.

The concept of high treason, it is stated in the doctrine, is a concept of constitutional and administrative law, but it has significance also in criminal law<sup>17</sup>. The proposal to indict can be initiated by the majority of the deputies and senators and is brought, immediately, to the knowledge of the President of Romania, in order for him/her to be able to give explanations with respect to the deeds imputed to him/her.

The decision to indict is adopted in the joint session of the two Chambers, with a vote of 2/3 of the total number of parliamentarians. The General Prosecutor's Office attached to the High Court of Cassation and Justice is the authority that will perform the criminal investigation and will indict the President through the indictment, for committing one or several crimes established by the special

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<sup>14</sup> Law no. 177/2010 for the modification and completion of Law no. 47/1992 regarding the organizing and functioning of the Constitutional Court, of the Romanian Civil Procedure Code and of the Criminal Procedure Code, published in the Official Gazette no. 672/ 10.04.2010.

<sup>15</sup> Marta Claudia Cliza, Elena Emilia Ștefan, *Amendments to law no 47/1992 regarding the organization and the functioning of the Constitutional Court-Implications regarding the dispositions of the Constitution of Romania*, Challenges of the Knowledge Society, 5<sup>th</sup> Edition, Nicolae Titulescu University, Bucharest, 15-16.05.2011, published in CKS -eBook, p. 765-771.

<sup>16</sup> Marta Claudia Cliza, Elena Emilia Ștefan, *op.cit.*, p. 765-771.

<sup>17</sup> Marta Claudia Cliza, *op.cit.*, p. 111.

criminal legislation. The High Court of Cassation and Justice is the one that will try the President, as first court and for the recourse.<sup>18</sup>

The legal civil and administrative liability<sup>19</sup> of the President of Romania is committed under the same conditions as for any citizen of Romania.

Another case of liability established by the Romanian Constitution refers to *administrative liability*. Administrative liability is established by the constituent law-maker in art. 52 by means of which is regulated the right of the person injured by a public authority and represents the constitutional grounds for the liability of public authorities for the damages caused to citizens by means of breaching their legitimate rights or interests.

In the doctrine<sup>20</sup> it is stated that the right of a person injured by a public authority is a fundamental right, traditionally classified in the large category of guarantee-rights, together with the right to petition with which, in fact, is in close correlation.

In this sense also speaks Gheorghe Iancu<sup>21</sup>, who considers that, in the category of jurisdictional guarantees for the protection of the citizen against public authorities, regardless of who they are, there can be included the right of the person injured by such an authority by means of an administrative act.

Paragraph 3 of art. 52 of the Constitution refers to the *state's patrimonial liability* in administrative law, text which has the following wording:

*"The state is patrimonially liable for the damages caused through judicial errors. The state's liability is established in the conditions of the law and does not remove the liability of the magistrates who exercised their function with bad faith or gross negligence".*

The magistrates can be made liable according to the Constitution, but Law no. 303/06.28.2004<sup>22</sup> regarding the statute of magistrates states the principle of civil liability and established a main patrimonial liability of the state for the damages „caused through judicial errors” and a subsidiary liability of judged.

The good administration of justice is no longer, at present, a sovereign attribute of the state, but a fundamental right of the citizens, whose accomplishment represents one of the assessment parameters regarding the democratic character of society, this being the sense indicated by the European Court of Human Rights, through the interpretation of art. 6 of the Convention, referring to what is called, in short, the right to a fair trial.<sup>23</sup>

Also, with the occasion of a recent study, a renowned author established that *contraventional liability* has express constitutional grounds:

- art. 44 para. (9) which consecrates a principle applicable to a sanction common to criminal and contravention liability, namely the legality of seizure of assets, but also the provision according to which only in the conditions of the law can be subjected to the sanction of seizure the assets that were destined, used or derived from crimes or misdemeanors;

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<sup>18</sup> For other details, see Marta Claudia Cliza, *op.cit.*, p. 112-114.

<sup>19</sup> Gheorghe Iancu, *op.cit.*, p. 186-187.

<sup>20</sup> V. I. Prisăcaru, *Tratat de drept administrativ român, partea generală*, 2<sup>nd</sup> edition, reviewed and added (ALL Publishing House, Bucharest, 1996) p.106.

<sup>21</sup> Gheorghe Iancu, *op.cit.*, p.133

<sup>22</sup> Law no. 303/ 06.28.2004 regarding the statute of magistrates, published in the Official Gazette no. 576/2004, with the last modification through Law no. 25/2012 for the modification of Law no. 303/2004 regarding the statute of judges and prosecutors and of Law no. 317/2004 regarding the Superior Council of Magistracy.

<sup>23</sup> Delcourt Decision of January 17, 1970, quoted by F. Ost, in *Le concept de démocratie dans la jurisprudence de la Cour Européenne des Droits de l'Homme* (Le journal des procès no. 124 of March 4, 1988, Brussels), p. 18, quoted by Ana Boar, *Judecătoria-putere și răspundere*, in *Revista Dreptul* no. 1/1998, p. 34ș

- art. 15 para. (2) which established that the law orders only for the future, except for the more favourable criminal or contravention law.<sup>24</sup>

With respect to those presented, we believe that we can notice the lack of terminology unity when we analyze the significance of the notion of legal liability throughout the Constitution. The Constitutional Court stood out through an active role, giving on not many problems of law pertaining to the constitutionality of a text.

Thus, in a decision, the Court expressed itself in the sense that, regardless of the interpretations that can be made of a text, when the Constitutional Court decided that only a certain interpretation is according to the Constitution, thus maintaining the presumption of constitutionality of the text in this interpretation, both the courts of law and the administrative bodies must conform to the decision of the Court and apply it as such<sup>25</sup>. The power of judged matter which accompanies jurisdictional acts, hence, the decisions of the Constitutional Court, is attached not only to the order, but also to the reasons it is grounded on, states the Constitutional Court. As a consequence, indicates the Court, both the Parliament and the Government and all other public authorities and institutions are going to fully respect both the reasons and the order of this decision.

## Conclusions

On the basis of the information selected and presented by us above, we established that in the text of the Constitution we do not find clearly enough the term of liability, with a precise, generally valid explanation. Thus, in the doctrine was expressed the point of view according to which the lack of terminology unity explains the absence of a general theory of legal liability, although the notion is obviously essential.<sup>26</sup>

On the other hand, we noticed that legal liability has constitutional consecration, being established in art. 1 of the Romanian Constitution, which, in fact, represents the answer to the question we posed at the beginning of this study.

In conclusion, we cannot refrain from declaring our agreement with the viewpoint of author Antonie Iorgovan<sup>27</sup> who sees in the Romanian Constitution the sense of two terms, namely *liability* and *responsibility*, which, in his opinion, are indicated as follows:

“*Liability* presupposes a relating of the City, by means of its authorities, to the agent of the social action (in fact, of the Parliament towards the Government), while *responsibility* appears as the active relating of the agent of the social action towards the City, towards its rules and authorities (in fact, of the Government towards the Parliament).

Thus, we believe we were able to fulfill the objective set at the beginning of this study, disclosing the multiple senses of liability within the text of the fundamental law.

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<sup>24</sup> Corneliu Liviu Popescu, *Reglementarea constituțională a contravențiilor*, Revista de drept public no. 1-2/1996, (Atlas T&T Publishing House), p. 80-83.

<sup>25</sup> Decision of the *Constitutional Court* no. 536 of April 28, 2011, published in the Official gazette no. 482/07.07.2011, [http://www.ccr.ro/decisions/pdf/ro/2011/D0536\\_11.pdf](http://www.ccr.ro/decisions/pdf/ro/2011/D0536_11.pdf), accessed on the date of May 19, 2012.

<sup>26</sup> Dan Claudiu Dănișor, Ion Dogaru, Gheorghe Dănișor, *Teoria generală a dreptului*, 2<sup>nd</sup> edition, (C.H. Beck Publishing House, Bucharest, 2008), p. 537.

<sup>27</sup> A Iorgovan, *Drept administrativ. Tratat elementar*. (Proarcadia Publishing House, Bucharest, 1993), p. 175, quoted by V. Dabu, *Răspunderea juridică a funcționarului public*, (Global Lex Publishing House, Bucharest, 2007), p. 35.

## References

- Dumitru Brezoianu, *Drept administrativ român*, (All Beck Publishing House, Bucharest, 2004), p. 115.
- Ana Boar, *Judecătorul-putere și răspundere*, în Revista Dreptul no. 1/1998, p. 34.
- M. Constantinescu, I. Muraru, A Iorgovan, *Revizuirea Constituției, Explicații și comentarii*, (Rosetti Publishing House, Bucharest, 2003), p. 6.
- Marta Claudia Cliza, *Drept administrativ. Partea I*, (Universul Juridic Publishing House, Bucharest), 2011, p. 109 and the following.
- Marta Claudia Cliza, Elena Emilia Ștefan, “*Amendments to law no 47/1992 regarding the organization and the functioning of the Constitutional Court-Implications regarding the dispositions of the Constitution of Romania*”, Challenges of the Knowledge Society, 5<sup>th</sup> Edition, Nicolae Titulescu University, Bucharest, 15-16.05.2011, published in CKS -eBook, p. 765-771.
- V. Dabu, *Răspunderea juridică a funcționarului public*, (Global Lex Publishing House, Bucharest, 2007), p.35.
- Dan Claudiu Dănișor, Ion Dogaru, Gheorghe Dănișor, *Teoria generală a dreptului*, 2<sup>nd</sup> edition, (C.H. Beck Publishing House, Bucharest, 2008), p. 537.
- Ion Deleanu, *Justiția constituțională*, (Lumina Lex Publishing House, Bucharest, 1995), p. 62 and the following.
- V. Dongoroz and others, *Înlocuirea răspunderii penale pentru unele infracțiuni cu răspunderea administrativă sau disciplinară*, (Academiei Publishing House, Bucharest, 1975), p. 9 and the following.
- Tudor Drăganu, *Drept constituțional*, (D.P. Publishing House, Bucharest, 1972), p. 45.
- Cristian Ionescu, *Regimuri politice contemporane*, (All Beck Publishing House, Bucharest, 2004), p. 1.
- Cristian Ionescu, *Contencios constituțional*, (Universul Juridic Publishing House, Bucharest, 2010), p. 18.
- Antonie Iorgovan, *Drept administrativ.Tratat elementar*, (Proarcadia Publishing House, Bucharest, 1993), p. 175 and the following.
- Rozalia-Ana Lazăr, *Legalitatea actului administrativ*, (All Beck Publishing House, Bucharest, 2004), p. 7.
- Sofia Popescu, *Teoria Generală a Dreptului*, (Lumina Lex Publishing House, Bucharest, 2000), p. 300.
- Corneliu Liviu Popescu, *Reglementarea constituțională a contravențiilor*, Public Law Review no. 1-2/1996, (Atlas T&T Publishing House, Bucharest), p. 80-83.
- V. I. Prisăcaru, *Tratat de drept administrativ român, partea generală*, 2<sup>nd</sup> edition, reviewed and added, (ALL Publishing House, Bucharest, 1996) p. 106 and the following.
- Verginia Vedinaș, *Statutul juridic al funcționarului public parlamentar*, (Universul Juridic Publishing House, Bucharest, 1996), p. 161.
- Verginia Vedinaș, *Drept administrativ*, 4<sup>th</sup> edition, reviewed and added, (Universul Juridic Publishing House, Bucharest, 2009), p. 47.
- Law no. 177/2010 for the modification and completion of Law no. 47/1992 regarding the organizing and functioning of the Constitutional Court, of the Romanian Civil Procedure Code and of the Criminal Procedure Code, published in the Official Gazette no. 672/04.10.2010.



- Law no. 7/2006 regarding the statute of the parliamentary public servant, published in the Official Gazette no. 35/2006, with the subsequent modifications and completions.
- Law no. 115/1999 regarding ministerial liability, published in the Official Gazette no. 300/1999, updated with all up-to-date modifications.
- Delcourt Decision of January 17, 1970, quoted by F. Ost, in *Le concept de démocratie dans la jurisprudence de la Cour Européenne des Droit de l'Homme (Le journal des proces no. 124 of March 4, 1988, Brussels)*, p. 18.
- Law no. 303/ 06.28.2004 regarding the statute of magistrates, published in the Official Gazette no. 576/2004, with the last modification through Law no. 25/2012 for the modification of Law no. 303/2004 regarding the statute of judges and prosecutors and of Law no. 317/2004 regarding the Superior Council of Magistracy.
- Decision of the Constitutional Court no. 536 of April 28, 2011, published in the Official Gazette no. 482/ 07.07.2011, [http://www.ccr.ro/decisions/pdf/ro/2011/D0536\\_11.pdf](http://www.ccr.ro/decisions/pdf/ro/2011/D0536_11.pdf), accessed on the date of May 19, 2012.