

SOCIAL ECONOMIC DEBATES

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Foreward

Social Economic Debates Journal aims to be editorial event, that invite to participate specialists in the economic and social domains, open-minded and interdisciplinary character.

Journal's objectives are to create a free space for dialogue between occupational categories in Romania and not only for playing freedom of thought, conscience and responsibility of scientific and informational message of the wearer, so necessary in a world whose moral and educational valences are converted in mercantile and deeply material directions.

The journal aims constructive and balanced debates, in developing entrepreneurship, valuation of work premises, in a context in which it is found doctrinal disturbance, requiring changes at both institutional and individual perception in relation to the state and the market.

We believe in honest dialogue and consistent debates that will interfere between the participants of our editorial initiative.

Summary

Mirela Dogaru, Robert Chira, The implications of human behavior on teamwork /2

Mirela Dogaru, Robert Chira, Analysis of internal environment /10

Valentina Zaharia, Mirela Dogaru, Impact on job performance teamwork /16

Constantinescu Eleonora Mihaela, Marinescu Gheorghe, The digitization of the economy and the remodeling of the marketing strategies /22

Constantin Constantinescu, Green economy - an opportunity during the global crisis /29

Doina Maria Tilea, Dragos Zaharia, Measures for the capitalization of internal control activity

performed on the entity's financial and accounting activities /37

Sorin-Alexandru Vernea, Engagement prior to marriage – a short walk through the history of Romanian law /42

Cristina Teodora Balaceanu, The IMF's Presence in Romania, Need or Opportunity /52

Dragos Marian Radulescu, Considerations on the political regime in Romania /58

Luminita Dragne, The right to life – a fundamental human right / 65

THE IMPLICATIONS OF HUMAN BEHAVIOR ON TEAMWORK

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Abstract:

The acceptability of behavior is evaluated according to the social norms of social control is adjusted. Personality types of individuals are part of human behavior is the most important issue that creates a certain type of behavior, always a topic of analysis and discussion for a lot of specialists who are experimenting and researching this area.

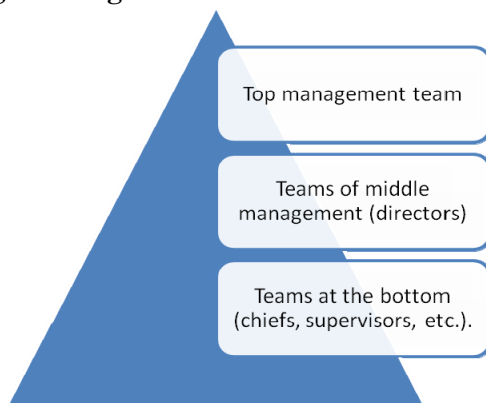
Keywords:

Human behavior, personality types

The term of *human behavior* found in the literature aims to build such structures to improve overall efficiency of the organization. Some experts discuss three management teams (but not connect this with organizational issues), namely: team-oriented problem solving, self-managed teams, teams interoperable. Within an organization team potential can be

exploited only if the organization's leaders understand the importance of working group can only work where the focus is on teamwork. The ideal solution for managing an organization is given the organizational chart summarizing "n" functional work teams arranged hierarchically is shown in Figure 1.

Figure 1 Organizational as a sum of 'n' teams

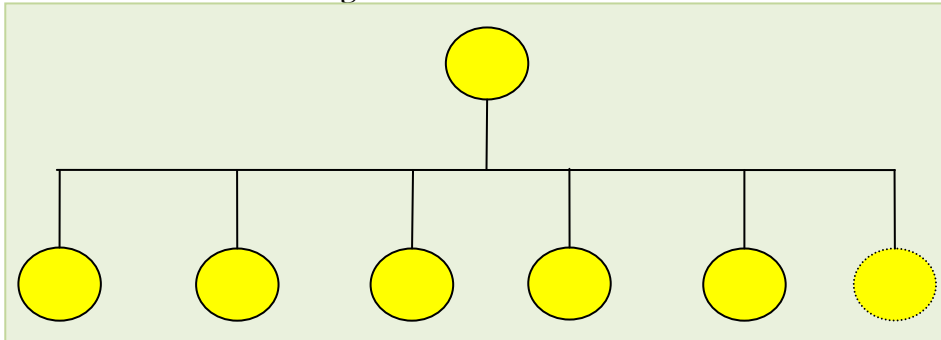


In practice each department is regarded as effective team being led by the manager of the department, of a permanent character, meets weekly short meetings, and has clear targets.

P. Drucker argues that this team should be low composed of 7-9 members, each

having a precise position in the group structure but, where appropriate, each member of it encloses the other when circumstances require [Drucker PF, 1999]

Figure 2 Usual work team



Issue teams and working groups may or may not be related to the organizational institution (figure 2.), Especially in the context of knowledge-based organization, the issue of building teams has increased in magnitude as a good team it does not guarantee the itself, while an unproductive team destroys productivity [Maciariello J., 2005].

A particular interest is the name of the term found in the literature on teams, especially the mechanism by which it aims to build such structures to improve overall efficiency of the organization. Some experts discuss three management teams (but not connect this with organizational issues), namely: team-oriented problem solving, self-managed teams, teams interoperable [Certo SC, 2002.]

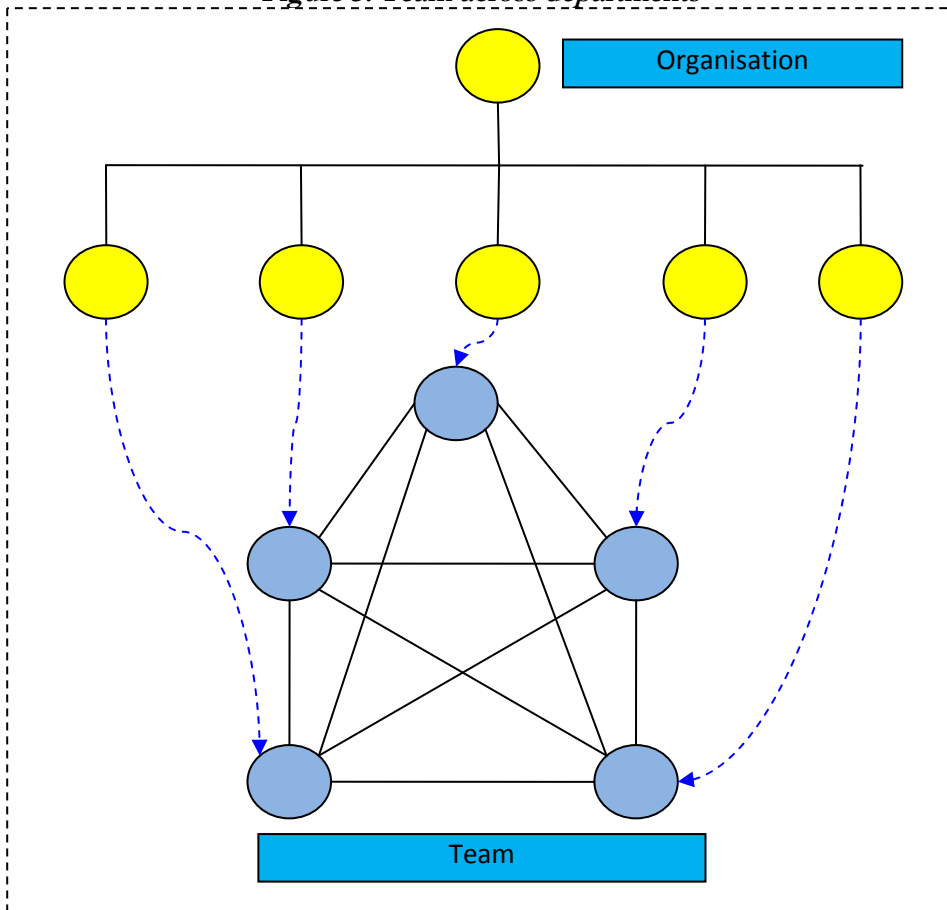
- cross functional teams (teams crossing the complicated departments at the same hierarchical level). This type of team is establishing the

members of the working its not that office, department, has the same hierarchical level, under a manager called for a full and accurate aim. It characterizes by: temporary constitution, members of the original behavior, problem solving and non-conventional acceptance of external members;

- cross organizational teams (teams across the entire organization) - Team members are selected from different hierarchical levels. This type of team is found both in theory and in practice under the name of task force.

Graphical representation of the team that crosses departments at the same hierarchical level and the team that crosses the entire organization is shown in Figure 3 and Figure 4 indicating that the correct name under which they operate vary from one organization to another:

Figure 3. Team across departments



Source: Buchanan A., - Organizational Behaviour.
An Introductory Text, 4th edition Prince Hall, 2001.

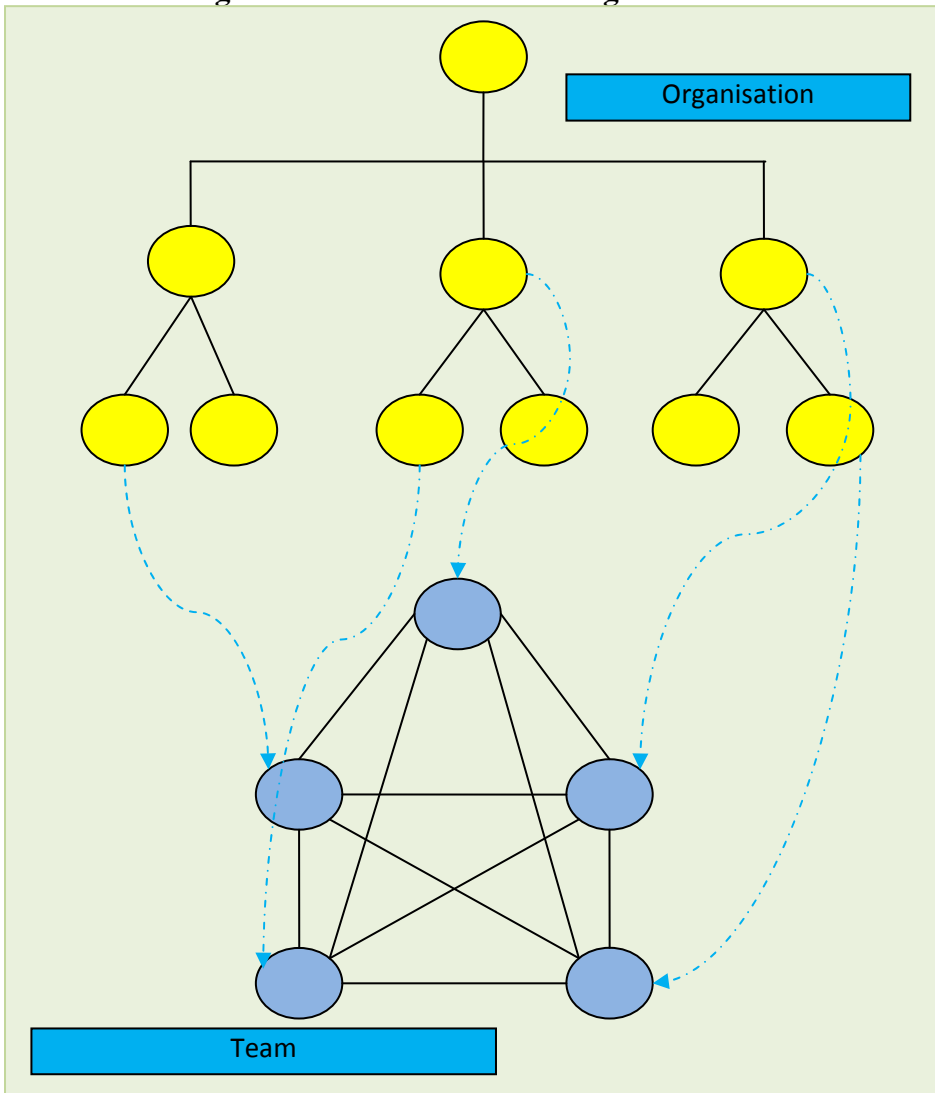
Depending on the establishment, objectives and working tools that appeal teams meet the following teams work: [H] Harrington, Harrington JS, 1995 SC Certo, 2002; Cooper C (editor), 2005]

- EDI - improve departmental team composed of employees of a department headed by a manager and is structured in connection with the work. Theory discussed self-managed

teams and special purpose teams show that there are differences in nuance rather than notions among them; [SC Certo, 2002];

- EIP - process improvement team. This team focuses on work processes and not on task. Meets weekly meetings to discuss and analyze work processes, can be called multi-functional team;

Figure 4. The team that crosses organizational



- CC - Quality Circles. This team has revolutionized the Japanese economy, and is found under the name of Quality Control Circles. It was designed as a tool for motivating employees in order to reduce costs and increase quality. Such a team is composed of employees of the department meetings come with proposals for improving the work environment; [Cooper C (editor), 2005];
- EO - Operations team. It's the kind of team that's resolved their problems are not an ordinary n t a s n look emergency;

- EA - autonomous team. This team is built on a longer period of time and the major objectives of the company, has a great interdependence own budget, hire and dismiss employees, call the experts etc.

Self-managed teams, task forces, PPE, EDI, etc. are critical to good management by both teams value and the value of employees. Value is reflected in the cohesion of teams of members and the effort to achieve a common goal.

Effective team work is characterized by the following:

- Clearly defined objectives;
 - Relevant skills of members;
 - Mutual trust among all team members;
 - Joint commitment and loyalty;
 - Good communication and feedback;
 - Negotiation skills mutual relations of the members;
 - Leadership and motivation of the team leader default;
 - Support the organization for team success[Robbins S., Coulter M., 2005].
- It can be inferred that effective team consists of "n" subordinate members of a head and each member plays a role depending on qualifications, skills, abilities, knowledge, etc..

Human behavior is the behavior of human beings influenced by factors such as:

- emotions - is a complex psychological phenomena occurring in the human body, expressive behaviors, and conscious experience, [Myers, David G., - 2004];
- social norms, which represents the influence of social pressure perceived by the individual in the performance or non specific behavioral actions;

- values;
- constraints by forcing an individual to participate in achieving those objectives by threat, intimidation;
- beliefs - is social influence to an individual to adopt certain ideas, actions using rational and symbolic means;
- attitude - is a synthetic component of moral personality is the evaluation criterion of human behavior;
- link - the ratio of people communicating individual;
- culture, which is that set of attitudes, values, goals, common practices that characterize the working group;
- ethics, morale represented individuals;
- Hypnosis - is the mental state induced by hypnotic instructions;
- authority, which is the attitude towards subordinates heads and covers both the obligations and beliefs;
- genetic varieties representing human bodies;
- perceived behavior control.

In general human behavior has different senses:

- common behavior,
- unusual,
- the EKCYP,
- outside acceptable limits.

The acceptability of behavior is evaluated according to the social norms of social control is adjusted. Social control leads to compliance and fulfillment of the rules of human society or a social group, working group, the internalization and positive or negative capitalization norms and values. Recovery refers to the rewards positive individuals and negative capitalization

refers to sanctions and penalties imposed on them. As such, there are differences between human and social behavior, social behavior being specifically directed behavior by others. [www.wikipedia.com]

Personality Types: psycho-analytical theory of personality types by Fromm.

Personality types of individuals are part of human behavior is the most important issue that creates a certain type of behavior, always a topic of analysis and discussion for a lot of specialists who are experimenting and researching this area. Taking account of human personality

types, one of the most appropriate theories that can be used in this study about organizational stress is **psycho-analytic theory** of personality types by Fromm. This theory argues that social irresponsibility can be better understood by explaining economic systems, and therefore, Erich Fromm led five types of personalities in economic terms.

Test guidelines by E. Fromm

How well do you represent each of the following words?

Enter a note for each word: from 5-1 (5 = very good, 1 = no)

Tender	Charming	Ordered	Witty
Naive	Arrogant	Stubborn	Indifferent
Optimistic	Graceful	Reserved	Curious
Fearful	Vainglorious	Suspicious	Unprincipled
Idealistic	Confident	Economic	Youthful
Subject	Explorative	Unthinkable	Opportunist
Sentimental	Seductive	Obsessive	Stupid
Loyal	With self-confidence	Household	Tolerant
Eager	Hurried	Cold	Indiscreet
Sensitive	Proud	Carefully	Open-minded
Unrealistic	Aggressive	Hunks	Childish
Devoted	Active	Practical	Purpose

Test results:

Calculation:

Responsive score is the sum of column 1;

Explorative score is sum of column 2;

Accumulative score is the sum of column 3;

Marketing score is the sum of column 4;

Production is the sum of the score lines 1, 3, 5, 8, 10, 12 divided by 2.

Score:

12 to 24 are less;

25 to 36 are low to medium;

37 to 48 are high Environment;

49 to 60 are high.

Note: Your scores do not take seriously because it is presented only as guidance to better explain Fromm.

Source: <http://webserver.ship.edu/cgboer/frommtest.html>

The **five** types of personalities are:

Responsive type is characterized by individuals who expect to receive what they need to tasks, and if they can not immediately get it, they expect it. Representatives of this type are those who are at the lowest level of society, accustomed to submit to other members

but at the same time, they are greedy, lustful and optimistic.

Type explorer is characterized by individuals who expect to take what you have got, for they increase the value of things that they are taken from others, which means that ideas are plagiarized, love is obtained by diligence, etc.

Accumulative type is characterized by individuals, because such individuals see the world through possessions and potential possessions arguing that those we love are things possessed, purchased or held. Such individuals are stubborn, greedy, unimaginative, economical and practical.

Marketing type is characterized by individuals who expect to sell, and for this success lies in how well they can sell himself and how good is the creative and

do it. Basically they are the type of individuals who represent today's society, being opportunistic, childish, indiscreet and useful.

Productive type is characterized by individuals who create a false appearance, not run away from freedom and responsibility, not like rules or compliance.

Receptive orientation, exploratory, accumulative and marketing, and people with this type of personality argue that defines them what they, being led by what possesses. [<http://webpace.ship.edu/cgboer/frommtest.html>]

Orientation productive works because our actions define who we really by what we are and what we feel. [www.webpace.ship.edu]

Theory of personality types by E. Fromm

TYPE	SOCIETY	FAMILY	ESCAPE FROM FREEDOM
RECEPTIVE	Cottage Society	Symbiotic (passive)	Authoritarian (masochistic)
EXPLORER	Aristocratic society	Symbiotic (active)	Authoritarian (sadistic)
Accumulative	Society	Retired (Puritan)	Perfectionist to the destructive
MARKETING	Modern society	Retired (infant)	Automatically conformist
PRODUCTIVE	Community humanist socialism	Loving and reasoning	Freedom and responsibility recognized and accepted

Source: <http://webpace.ship.edu/cgboer/frommtest.html>

This theory illustrates the five personality types depending on the company they are built, family perception.

Human needs.

E. Fromm argues that individuals need presented by the need to learn the answer to its own existence, explanation of the meaning of life is the basis of every culture.

Human needs by E. Fromm.

TYPES OF NEEDS	CHARACTERIZATION
ASSOCIATION	Individuals looking to overcome the separation from their peers, this type is characterized by narcissism, self-love that.
CREATIVITY	Individuals seeking to overcome the sense of being passive creators, this is characterized by destruction as they try to overcome the passivity of the destruction hating instead of loving.
Rooting	Individuals need to feel at home in a universe by roots. Fraternity and some individuals may be due to different pathological personalities.
Sense of identity	Individuals are all trying to conform to still make part of that group, but others claim to have identity instead to develop its own identity.
FORM GUIDE	Individuals need such guidance requires real form, and if there is any explanation they will create one through rationalization. This is explained because of their beliefs desperate on the one hand, and, on the other hand will have a form of sensible orientation, involving the case.

Source: www.webspace.ship.edu

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ANALYSIS OF INTERNAL ENVIRONMENT

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Abstract:

Company performance Druckfarben Hellas is influenced by the ability to integrate into their environment, the effectiveness of its actions in the opportunities, the ability to cope with adverse situations and risks facing. Assessment methods used are SWOT analysis, identifying critical success factors and profile capability. Resources are fall in production or services and are achieving individual contributions, social or organizational.

Keywords:

Company performance, SWOT resources.

Company performance Druckfarben Hellas is influenced by the ability to integrate into their environment the effectiveness of its actions in the opportunities, the ability to cope with adverse situations and risks facing.

In order to adopt an appropriate behavior in relation to its environment, Druckfarben Hellas company consider the following elements:

- complex nature of the environment;
- the status of their system environment and the fact that it is made up of a set of subsystems:
- a micro environment - is the factor that directly affects the company's ability to achieve its goals;
- a macro environment - is the factor that affects the activity of all components of the microenvironment;

○ a global environment - Analysis International/global.

Environment Druckfarben Hellas company consists of a set of constraints against which society must adapt, choosing certain means to this end. Based on information about the environment, she chooses a certain strategy to meet objectives and a specific structure which enable the implementation strategy.

In relation to the company, Druckfarben Hellas adopt for two types of behavior:

- one adaptive, reacting to the environment because it is dependent on the resources that provide them;
- proactive, with the ability to act on the environment induces some changes. The selection of certain options is determined by the way she

perceives the environment in which it operates and its resources.

The main task of management is to provide information service, performance and adapt to internal and external change. The initial information from internal and external environment must be collected, treated and evaluated. Assessment methods used are SWOT analysis, identifying critical success factors and profile capability.

Slack management would be to ignore or overlook the ongoing review of the performance of the organization against internal and external environment. Often, such an excuse for the practice is that the time consuming. Those who make such statements should reflect the advantages revision to reduce risk factors in decision making and for providing other opportunities. At the same time, minimizing threats and weaknesses, planning becomes more efficient through the use of such a process.

The purpose of the analysis of internal in the company is to present its structure and importance of a careful analysis of the external environment in order to obtain strategic advantages. After studying them, will be able to answer the following questions:

- the importance of studying and understanding the internal environment of the organization;
- tangible and intangible resources of the organization;
- the difference between tangible and intangible resources;
- the organization's capabilities and explanations of how they can grow;
- Fundamental skills and explanations to obtain strategic advantages;

- how value chain analysis;
- Icarus paradox and inertia success.

Resources needed

To develop and implement strategies to ensure success of the organization is necessary to analyze the internal and coupling the results with those obtained in the analysis of the external environment. By studying the external environment, the organization identifies what could be done, given the competitive context and external environment generally favorable or adverse.

By studying the internal environment, Druckfarben Hellas determine what they can do actually. By coupling the two conclusions can decide which strategy to develop the organization to ensure sustainable strategic competitiveness.

Robert Grant considers internal environmental analysis even more important: "While the external environment is constantly changing, their resources and capabilities of the organization are defined in relation to a more stable environment". [Robert Grant-1991]

Resources are items fall in production or services and are achieving individual contributions, social or organizational. Resources can not ensure the success of the organization materialize their mere presence as a competitive advantage. The company may have sufficient material resources and equipment but if you have good management, efficiency and effectiveness of their use may be unsatisfactory. But if there is a well established team spirit and a clear strategy on the field of victory is uncertain. Resources are important, but

only their integration in a system performance can lead to competitive advantages.

Resources of the organization are grouped into tangible resources and intangible resources. *Tangible resources* are those resources that can be seen and quantified. *Intangible resources* are more difficult to define, but they take different forms of intellectual property, knowledge and know-how. An important intangible resource is the organization's reputation, which can be exploited intelligently when it is synonymous with quality and performance.

Tangible resources can be grouped as follows:

- **Financial resources:** Financial lending capacity of the organization, the ability to generate their own revenue and financial inflows generated by the organization itself;
- **Natural resources:** equipment performance, efficient production technologies, factories and infrastructure, land valuable as the size, quality and location;
- **Human resources:** employees in executive and managerial positions to be distinguished by intelligence, creativity, experience, general and specialized studies, loyalty and adaptability;
- **Organizational resources:** the functional structure of the organization, effectiveness connections, communication, coordination and control, respectively.

Intangible resources can be grouped into:

- *technological resources* stock patents and trademarks, intellectual property and

industrial secrets. Additionally, add the knowledge to apply them correctly and effectively;

- *resources for innovation:* an institutional culture based on models of creative thinking, research laboratories, specialized documentation to enable innovation and an attitude of acceptance of risk;
- *reputation:* the reputation of the organization in relation to the beneficiaries or her customers perception of quality products, durable and reliable reputation of the organization in relation to suppliers resulting from a collaboration efficient and reliable.

Tangible and intangible resources are sources of the organization and capabilities in the development of basic skills, competitive advantages.

Intangible resources within the company have a high potential for generating basic skills, demonstrated superior potential of tangible resources. Recent experience has shown that the company's success was assured a greater intellectual capacity and organizational effectiveness than the existence of primary materials, equipment and buildings.

Ability to ensure effective management of human intelligence and its transformation products and quality services has become increasingly present and future requirement. A number of statistics shows that the share of intangible resources in total resources company growing. There is a very simple situation: intangible resources are less visible and more difficult to understand for competitors to be imitated, duplicated or substituted.

Capabilities

Capability of Druckfarben Hellas company in the chemical industry reflects its ability to use resources more efficiently, so that the existing potential, becomes beneficial results for the organization as much.

Organization Druckfarben Hellas aebe thus characterized by the existence of resources and capabilities and differentiates itself from other organizations the ability to exploit them in a competitive environment. Capabilities are intangible in nature and are sometimes harder to define or evaluate but they can be clearly identified by the results produced. For good management is very important distinction between resources and capabilities. The company has valuable resources, but if you have the necessary capabilities to use as clever and creative these resources, then it can not gain a competitive advantage in the external environment.

Capabilities are obtained by time integration of the quality of human resources, knowledge, organizational structure and organizational culture. To better understand this, we will consider some examples:

- In the distribution of products is an important capability in logistics developed and used by the firm;
- Human resources can be highlighted company's ability to motivate employees to build solutions as creative, as happens in the company Druckfarben Hellas aebe

The management of this company has always placed great emphasis on developing teamwork employees.

A growing emerging capability is the ability to be a learning organization. This means continuous development and improvement of the knowledge base of knowledge management. Also important is the rate of acquisition of new knowledge and integration into the existing structure. Druckfarben Hellas even set up station chief learning officer (CLO), and senior managers in charge of the learning organization.

Core Skills

Having the necessary knowledge resources and capabilities of the organization, senior management is prepared to identify and develop basic skills, ie build support for achieving strategic advantage in competitive external environment. Fundamental skills contribute to the organization's personality and allow them to differentiate themselves favorably to other organizations in competitive external environment. Integrating resources and capabilities of an organization in a creative and effective way, we obtain the fundamental skills that are unique to the organization and enhance value for its clients for a period of time that is meant to be as long.

We must point out that not every company resources and capabilities can be integrated to generate fundamental skills. While any key competence is based on capability, not every capability is transformed automatically into a fundamental skill. It may consider the following criteria to see whether the organization capabilities Druckfarben Hellas can turn into fundamental skills: *value, rarity, cost of imitation and substitution opportunities.*

Capabilities company values that create value for the firm by exploiting opportunities and neutralize threats in the external environment. These capabilities allow company management to formulate and implement strategies that create value for certain beneficiaries.

Rare are those *capabilities* that are present in very few of the current or potential competitors. Assessing the capabilities of the organization's managers must ask and answer to many other organizations can identify these capabilities is to decide whether they can be considered *rare* or not. Capabilities that are found in Druckfarben Hellas and are engaged in the same competition competitive advantage can not be support for any of them. Competitive advantage can occur only when the organization develops a certain capability that is unique or is found in very few competitors.

Capabilities that are costly to imitate contribute significantly to building competitive advantage. These capabilities can be developed as a result of unique historical conditions. One can illustrate this case Druckfarben Hellas company that has developed from the beginning a culture of innovation and excellence.

There are situations where it is difficult to make a direct link between competitive advantage and capabilities that were obtained at base. Uncertainty that makes it difficult to identify successful generating capability contributes to the increased cost of any imitation of those capabilities by competitors. There may be some social complexity make it difficult to imitate successfully generating capability. Organizational culture of the company Druckfarben Hellas is very complex and

difficult to imitate to get the same competitive advantage.

Capabilities that may be substituted are those which have an equivalent strategy. The strategic value of a capability increases with decreasing her chances of substitution by competing organizations. Specific expertise Druckfarben Hellas and the existence of trust and cooperation between managers and staff can be capabilities that can not be substituted by any other competitors, in order to achieve competitive advantage.

Once created, competitive advantage should be maintained as much to achieve strategic competitiveness. The success of such a strategy depends on three factors: *the creation of barriers to limit imitation of basic skills, capabilities available to competitors and the general dynamics of the external environment, especially competitive environment.*

When the organization achieves a competitive advantage, other organizations that are competing will try to identify the resources and capabilities that led to the success and emulate. The question is how long will achieve this. Speed limit contributes to the erosion of competitive advantage. Therefore, the organization conducting the competitive advantage they need to invest continuously to be one step ahead of your competitors. This means to create new barriers for new competitors to reduce the chances of imitation and, respectively, to increase the time available to the organization that has achieved competitive advantage. Time becomes a crucial element of competition.

When competitive advantage is based on particular resources, their imitation can be done relatively quickly because they are easily identified and replicated.

Intangible resources are more difficult to identify and thus they become more difficult to imitate.

An important barrier that can be placed in the path of imitation is to create a company name, as did Druckfarben

Hellas and more. This name is linked to resources, capabilities and some know-how which is the true secret of the company. Imitation is more difficult than the capabilities of resources because they are not so obvious and explicit.

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IMPACT ON JOB PERFORMANCE TEAMWORK

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Abstract:

From a psychological and physiological on the capability and job requirements are two types of requirements, one of increasing capabilities and requirements, and lowering other capabilities and requirements. Those who are dissatisfied with their status of employment are twice as dissatisfied and stressed compared to those without a job. Employees dissatisfied with remuneration compared to others, calling several times to your doctor or miss work.

Keywords:

teamwork, organizational stress.

From a psychological and physiological on the capability and job requirements are two types of requirements, one of **increasing** capabilities and requirements, and **lowering** other capabilities and requirements.

When decreases control of teamwork, conflicts between members, when employees feel a lack of recognition, understanding and support from leaders who have mental disorders appear particularly large influence on the individual. Many activities in the workplace and poor relationship with supervisor are stressors related to work which may cause the entire team working issues such as anxiety or depression. Team members cause emotional problems, in turn, absence, due to illness, requiring medical

consultations leading, ultimately, to failure among the team.

Stress in the workplace leads to a form of organizational behavior that affect the entire working group and increase the risk of cancer in the Table 1. (Such as smoking, excessive alcohol consumption, etc.).

Cohesion and conditions

Team there and there can be team work, to the extent that it is not established with certainty certain cohesion. Valence working group, the attractive group members, has two main sources: the attraction that shows the group's activities and the attractiveness of the members. Confidence certainly involves cooperation partners and objective requirements to fulfill the need for

convergence of efforts. However, in the first place is because only trust in partners so you can create and maintain a climate of cooperation needed to carry out the work smoothly. A common past successful cooperation and intensify current cooperation within work teams and lead to progress and cooperation.

In analyzing the relationship and goals accomplished team find confidence and acceptance, cooperation between members, to recognize the value of individuals, competence and loyalty. Positive image and cooperation are the image and each team member creates to partners and to form the team that determines behavior. This positive image, fingerprint security loyalty and spirit of cooperation create an additional guidelines oriented cooperation. Cooperative behavior is consistently reinforced and rewarded with every motion of a subject. Reward received tends to fix the behavior that triggered the initiative and is quickly learned. In the framework of cooperation between groups occurs mutually reinforcing, used to maintain frequency resolution behavior, and to resolve issues that may arise each person at various levels. [Elliot Ginnies Me, 1970].

This means that any positive individual behavior in relation to mutual success and the approach provides a general reasoning as a source of satisfaction intimate and stimulating renewal. Good ideas stimulate group members, leading to increased interaction between them. Each member receives a new contribution as an opportunity and a joy. The rivalry between team members contribute to the failure to its decline or lead to inferiority competitive

performance. Cooperative behavior is reinforced in the team when team members are aware of it and focus on networking and networking. In these circumstances personalities and levels of members are working very good initiatives having non-negligible side effect because the group is not supported by teammate individuality initiator.

Competition and cooperation in team greatly increase the performance of the group, while allowing each personality to acquire influence and prestige worth it. Team and leadership structures and the authoritarian in a small group can destroy team spirit. This form of competition is an internal emulation, stimulating interaction and group dynamics is the most expressive form of willingness to participate in achieving the goals.

The size and composition of work teams

The optimum size of the team working

Teams consist of two members - who want to become permanent - may strike the same problems as a conjugal couple as a true harmony requires compatibility, emotional, professional and ideological. Coexistence of continued professional in a team of two ends generating voltage sparks, rupture, even if the debut was no cooperation and mutual sympathy. The task involves more affection and emotional relationships, the more it develops a voltage increase, leading either separation or the submission of one of the two becomes auxiliary.

Teams of three members are most effective in solving problems in obtaining good solutions, and thus to solve problems. Teams of three members are lower than those of six members

regarding decisions and interactions are weaker. Number of interactions in teams of three members is less than the number of interactions in teams of six members. This situation is not stable leader plays an important role in the organization of the team and ensuring cooperation among group members.

Teams of four members take significantly larger sizes and are capable of higher mission teams of three members. Division of labor begins mandatory - if the tasks require develops a basic structure that does not need to be complicated.

The optimum size would be between five and six members, as interactions between members are richer and more productive division of labor can be achieved without losing the overall perception of work and domestic problems are easily solved.

Work team composition

Effectiveness in communication requires homogeneity of members, level of culture, mental frames of reference and mental balance, etc.. Homogeneity is indisputable factor of cooperation and effectiveness of individuals who agree so much easier on the socio-emotional having more energy objective. These transposition characteristics in terms of objectives necessary cohesion requires no similarity personalities although made more difficult when the members are of different cultures.

Homogeneity behavior enrichment factor group exchange between creativity and effective division of roles members. If the exchange team has a formal role for each individual heterogeneity energizes and enriches team skills. Different skills are growing interdependence and complementarily of interventions

members so that they can become a cohesive team and an important factor of efficiency and progress.

Differences in personality traits are, or could be, stressors, or elements involved rupture negative attitude about the group in general and teamwork or cooperation. The question does not arise on the character of individuals put to the taste or reluctance on how to work in teams. Different characters can work perfectly as a team if they are the natural inclination or education and training able to cooperate.

Cooptation has emerged as a crucial key to form cohesive teams is a primary goal of sociometry, much more than the formation of working groups as informal and spontaneous structure. The amount found in all positive affective and interpersonal relationships in a group does not guarantee the quantity and quality of work done and some dose group and inter-competition favoring effectiveness. A team is not a psychological group, where only occur an affective report, efficiency requires accommodation and anticipate competence and incompetence overrides sympathetic person who in the end will rattle.

Memberships and expressions

Harbert A. Thelen in "Dynamics of Groups at Work", publisher Chicago Press, 1968, argued that what counts is the good will, the will to do something, and not ideology. Ideological divergences are not an obstacle to agreement as long as there is common will of action, but when they lose, ideological differences will arise. Membership is not only a fact; it is a feeling, even a will. Belonging to a

group ensures participation and cooperation, the singular experience of what is cohesion in the group. In psychoanalytic terms team and teamwork are impossible to define.

Research on work teams of French authors demonstrate that the team is a specific communication process in which every obstacle imposed on freedom of communication comes primarily from reduced rank structure without genuine belonging. By this is meant that any barrier to communication affects team members, unit spirit and action. The emergence of a common language recognized in a cohesive group is found naturally in work teams. Understanding a team is not formed only on verbal communication, perception mimic, and attitude, sketch of movements, informing teammates on the intentions or the reaction of some members. Enhancing communication in team occurs when the core values are threatened, namely cohesion and achieve an objective.

Team and moral code

To the extent that moral values are social values, it is not surprising that team membership quickly becomes an ethic. This ethical merit of escape so psychoanalytic reduction of what we call moral values and challenges all modern forms of authority. Loyalty to the team remains highly suspect in the eyes of philosophers insofar as it seeks to know the moral value of team goals is a gateway to a wealth of authentic values. Famously called internal power under pressure and achieve a change in attitude or behavior among participants is a direct result of the sense of belonging of the members. A group where we feel foreign, and especially a group where we feel despised, has only one power constraint, namely physical, thus developing a superiority in the balance of power. Ultimately become a valuable team spirit is judged by the criterion that a colleague.

Table 1. Effects of stress on bodily functions

	Normal (relax)	Pressure	Stress (acute)	Stress (chronic)
Brain	Normal cerebral blood flow	Cerebral blood flow increased	Clear thinking	Headache, tremor, tics
Mental status	Happiness	Seriousness	High concentration level	Anxiety, loss of sense of humor
Salivate	Normal	Low	Low	Dry mouth, feeling of "lump in the throat"
Muscles	Normal blood flow	Increased blood flow	Improved muscle performance	Tension and muscle pain
Heart (heart)	Heart rate and blood pressure normal	Heart rate and blood pressure	Good heart activity	Hypertension and chest pain
Lungs	Normal respiratory rate	Increased respiratory rate	Good respiratory activity	Asthma

Stomach	Normal gastric secretion	Increased gastric secretion	Digestion low	Gastric
Large intestine (colon)	Normal bowel activity	Accelerated intestinal motility (diarrhea)	Diarrhea	Abdominal pain and diarrhea
Bladder	Normal activity	Micturition (urination) common	Frequent urination due to nerve stimulation increased	Urinary frequency, symptoms post diarrhea (males)
The sex organs	Men: normal Women: eg normal menstruation	Male impotence Women: irregular menstruation	Male impotence Women: irregular menstruation	Male impotence Women: irregular menstruation
S skin (skin)	No lesion	Dry skin	Dry skin	
Biochemistry of blood	The oxygen consumption, glucose and fat are normal	Oxygen consumption, glucose and blood lipids - high	Put more energy immediately available	Rapid fatigue

Source: R. Blaug, Kenyon A., Leeb R., *Stress at Work*, The Work Foundation, London, 2007.

The study by England's Manchester University over 1,600 individuals of which 50% are employed, shows that people who are poorly paid work done, and those that are properly remunerated, have low back pain. The study shows that the difference between those employed and those not employed who

accuse back pain is almost insignificant. Those who are dissatisfied with their status of employment are twice as dissatisfied and stressed compared to those without a job. Employees dissatisfied with remuneration compared to others, calling several times to your doctor or miss work.

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THE DIGITIZATION OF THE ECONOMY AND THE REMODELING OF THE MARKETING STRATEGIES

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Abstract:

The informational society determines, on the strength of new communication and information technologies, a profound transformation of the exchange relationship. This enforces the building and the acceptance of a new paradigm viewing marketing, which affects the management not only by promoting strategic marketing, but also by taking into account new types of marketing like e-marketing and cybermarketing (types of marketing that were born thanks to the new communication and information technologies)..

Keywords:

informational society, digital economy, marketing, communication and information technologies.

The remodeling of the exchange relations in the modern economy made marketing as a primary strategy of any company that has to correlate it's offer with the needs of the consumers, in order to gain profit. We may say that the first decade of the 20th century has set the economy into a marketing era (Ristea, Valeriu, 2010).

In the opinion of P. Gregory (Hrebiniak), a lot of changes have taken place during the marketing era and he divided them into three stages:

- customer centricity, a time when marketing represents "the action of research of the customer's needs which allows on one hand, the

correlation between the offer (product, distribution, prices) and the demand; on the other hand, informing the customer through the use of publicity" (Lendrevie, Lindon, 1997). At this stage, we may notice the action of market research followed by the interaction with the customer through marketing.

- both customer and environmental centricity. This dual-concentration tendency became obvious during the 60s and the 70s, when the ideas of environmental protection and sustainable development began to stand out. The concepts of "social

marketing” and “assessment marketing” were born.

- Mega-marketing implies a wider perspective over marketing, taking into account the concept of customer satisfaction, which no longer means “just profit”, but both the protection of the customer’s rights, interests and the understanding of the company’s responsibilities towards the environment.

I am sure that the exchange relationship will evolve due to the impact of the communication and information technologies from the digital age, which will ensure the survival of the companies that will speculate the new highly potential field of needs that will be generated in time.

All companies are aiming to survive in the market in nowadays and in the days to come. On both the medium and the long run, the success of the companies will be a consequence of their reaction to the competition and to the changes of the customers needs. Also, to gain profit, companies will have to acknowledge the market opportunities, avoid unnecessary risks and learn how to motivate their staff to become more efficient. The way so that all these come true, a company must think and act according to a strategy.

There are a few authors (Hamel, Prahalad, 2008) that take the two different types of marketing (strategic marketing and operational marketing), connect them together and throughout synergy, they name it as the basic company strategy. J.J. Lambin says that strategic marketing analyzes the current market needs, the relation between product and market, the both real and potential market segments, the advantage

of having competition and the product’s circle of life. Strategic marketing has the purpose to organize a plan to ensure the company’s efficient growth.

Operational marketing concerns firm actions in order to secure the promised (financial) turnover, using the most efficient sales ways taking low costs into account. Operational marketing consists in a plan for the marketing funds made in correlation with both the marketing and the general strategies of the company (Kotler, Castilione, 2009).

To others (Lendrevic, Levy, Lindon, 2006), the operational marketing implies post-production marketing actions, such as organizing a marketing plan, advertising, sales, post-sales, distribution and product control. On these terms, strategic marketing is a pre-production stage which puts it in an order, before the other stages like sales, distribution or advertising. The strategic marketing follows the marketing study, a marketing action that covers a full analysis of the market (company’s environment, consumers behaviour, competition).

The entrepreneurs are dealing today with a complex economic reality due to a very large dynamics, where they have to understand and anticipate the effects of both technological and economic globalization at the company’s level. They have to properly react to the deep changes of the consumers behaviour, generated by the changes of the demographic structure (the aging of the population, the growing number of bachelors or single-parent families). Other influences are the fragmentation of the market and the discovery of new customers needs, generated by the growth of both the level of information

and the level of education. All of these above are being caused, also by the extension of the retail networks, franchise networks and the new communication and information technologies. As a result, these two entities indicate the market's evolution in the contemporary economy, globalization, new communication and information technologies and also new types of relations in the business world. In this context, the businessmen have fought these last few years with the fast expanding economical crisis at a global scale. This determined Philip Kotler and J.A. Casilione (Kotler, Castilione, 2009) to create a new type of marketing based on the idea that „the excessive turbulence with its effect of chaos, risk and uncertainty represents now the only normal status of the industries, markets and also companies”.

If the most authors state that marketing has a strategic role in the working process of any company, then this implies the need of some clarity over the terms of *strategy*, *plan* and *politics*. J. Lendrevie, J. Levy and D. Lindon (Lendrevie, Levy, Lindon, 2006) say that *strategy* „is the union of all actions used to reach a certain goal against any compentition”, which brings an aggressive status to a company.

The *plan* has a more operational meaning and it concerns „a number of accurate actions, with the mentioning of the terms and costs, the discription of the ways of action and also the responsibilities”.

In order to separate these terms at a company's level, the three authors have created the term of *politics*, which means „a number of principles and decisions made and written before any other

activity, for a certain period of time, so that certain goals may be reached”.

I believe that the notion of strategy, even if it has military origins, it can be useful in economical language, with lesser hostile goals of eliminating competiton from the market and more positive purposes for leading the market. The context of globalization of new communication and information technologies generates new needs. Under the impact of new technologies, the economy and also the man himself commute into a digital universe, a virtual reality, discovering new types of needs which will lead to the creation of new markets.

As a result of the new communication and information technologies, the changes of the economic reality called for the founding of a new strategic paradigm. The challenges of contemporary economics push entrepreneurs to accept a new strategic paradigm (Gregory, 1996) that will grant them an evolution: from the redesigning of their activities to rewriting their strategies, from organized transformation to commuting their areas of activity, from the battle for a slice of the market to the research of a new type of opportunities. As far as the “new future” is concerned, the new strategic paradigm covers the transitions from the learning strategy to the shifting strategy, from the positioning strategy to the predictive strategy and last but not least, from strategic plans to strategic architecture. The two authors vision regarding the shift for the future, describes that the company must switch from the aptness strategy to the flexibility strategy and also from the resources allocation strategy to the accruement and efficient use of the resources.

A company's biggest challenge after adopting a new strategic paradigm becomes the action of "reading" (Kotler, 1986) the future before others. The shift that has to be made is from the competition over an area to the competition over the purpose of influencing future market research; also, from the battle of the products to the battle for supremacy of the best proficiency; from the growing market share to the growth of market knowledge; from narrowing the time of distribution to a faster conquer of the market.

The remodeling of the strategy notion is seen also in advertising new operational concepts, such as "strategic architecture"; collocation explained by G. Hamel and C. K. Prahalad as "a structure model of new functions for gaining skills and for the reconfiguration of the client reports" (Balaure, Adascalitei, Balan, Boboc, Catoiu, Olteanu, Pop, Teodorescu, 2000). The new market challenges, the resizing and the restructure of the strategic marketing, make it necessary the training of an elite management team, capable of absorbing a new type of economical knowledge, capable of controlling a larger amount of information, finding and applying complex solutions in order to adapt to these new requirements, also to the new customers behaviour.

Ana Lucia Ristea and Valeriu Ioan Franc (Ristea, Valeriu, 2004) talk about three levels of strategy:

- corporate level;
- business activity level;
- working level.

At a corporate level, marketing is not very important, but at the business activity level, marketing plays a center role by identifying the competition's

strong points and by conducting the company's policy. At the working level, the marketing strategy is connected with other company's functions and it uses the marketing mix to accomplish all the strategic goals.

In order to train a specialist in marketing, it is necessary the knowledge of the basic steps of compiling a marketing strategy; otherwise that manager, with no vision, will not be able to ensure the success of his company. To some authors (Dubois, Jolibert, 1994), the compiling process is ensuant interactive, creative and frequentative. Interactive means that the marketing specialist works with the people responsible with production, finances, distribution and human resources. The need to both survive and strive on the market is that all personnel must work in synergy. Creative refers not only to the ability of innovating but also to choose the most suitable strategy in order to motivate the buyer to make a purchase, despite the competition's products. Frequentative means that the strategy can be adjusted in time, according to any changes in the market or in the company.

I believe that compiling a marketing strategy is also an integrating process because all the other strategies within the company are strictly connected to it, representing the foundation of the whole company's strategy.

In the vision of the two authors (Shermer, 2013), the main stages of compiling a marketing strategy are:

- analysis-diagnosis;
- setting goals;
- choosing the basic strategic options;
- defining and evaluating the marketing mix;

- compiling and deploying the short term action plans.

The analysis-diagnosis stage consists in market analysis and internal analysis, followed by compiling a diagnosis which will represent the foundation for the second stage, goal setting. Eventually, the third stage is choosing the right strategic plan, the right goals, the positioning of the company, the budget and the priorities. The fourth stage, concerns the formulation and evaluation of the marketing mix which consists in forming the product, price, distribution, communication and sales strategies. This stage has been exposed by Ana-Lucia Ristea and Valeriu Ioan Franc (Ristea, Valeriu, 2004). Each of these plans represent a role in the basic and important strategies. The product strategies incorporate all strategies about the range of the product and the life cycles of the products, the strategies used to innovate products, as well as strategies that influence the quality and performance of the products (Lendrevie, Lindon, 1997).

The pricing strategies incorporate all strategies that are form in the use of the new launching products, costs analysis, demands and competition.

The distribution strategies systematize the basic “push” and “pull” strategies, communication channels which are put in value by advertising strategies, public relations and sales. The sales strategies are compiled on the basic running of the sales force in co-operation with actual and potential customers.

Only by compiling and correct deployment of a high achieving marketing strategy, a company will diminish the market risks. But this correct use, by itself, doesn't ensure success on the market. “In other words, the strategy models must not be used just

because. Every ingredient, combined with experience and knowledge, used at the right moment, can help companies to reach the wanted success.” (McCarty, Perrault, 1987)

The success of a marketing strategy depends on the way it's being put into action, a complex process which uses all operating and decision mechanisms, all management skills, all preparing actions and last but not least all deployment actions (deployment takes a longer time than the preparation) (Steven ten Have, Wouten, Stevens, Elst, Marcel, Pol-Coyne, 2008).

Inspired by L.G. Hrebiniak, Ana-Lucia Ristea and Valeriu Ioan Franc (Ristea, Valeriu, 2004) have identified eight areas where it is convenient to act in order to have succes in deploying the marketing strategy:

- to set up a model that will guide all deployment decisions and actions;
- a correct use of the strategy in the deployment activity;
- an efficient administration of any changes that might happen in the company;
- a correct approach of the ideas of “power” and “influence” inside the company;
- setting up departments responsible with communication within the team and establish each responsibility;
- to bring forth testing, feedback and control entities;
- to inspirit actions that lead to setting up a culture that supports change;
- put into action a management plan oriented to the deployment and growth of a leadership spirit. (Ristea, Valeriu, 2010)

To sum up, we find ourselves in a moment of evolution of the exchange relations, when those who wish to find customers for their services and products; have to possess great knowledge of demand, of microeconomics, of macroeconomics in order to strategically deploy correctly in

the market. I must say that the market challenges companies that know how to manage risks, so that the fortified entrepreneur spirit will adapt to all changes generated by the globalization of the communication and information technologies.

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GREEN ECONOMY - AN OPPORTUNITY DURING THE GLOBAL CRISIS

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Abstract:

When talking about natural capital is often difficult to relate to it as a form of capital similar to the financial capital or human capital. The difficulty arises mainly as a result of the diversity of forms that natural capital takes and due to the fact that it is not always possible for its value to be expressed in monetary terms. Some of the goods and services provided by ecosystems, such as wood, fish or berries, are normally traded on the market and their monetary value is known. For others, such as the costs of eliminating the effects of natural disasters, for example, the monetary value can be estimated. How one could also estimate the value of ecosystem services in relation to the willingness to pay for them by those who take benefit of them, as in the case of tourism, for example. Substitution between different forms of capital is questionable in this regard, especially because in addition to its intrinsic value, the goods and services provided by ecosystems provide a wide range of socio-economic benefits out of which most cannot be replaced by technology solutions. In this context, the green economy development, which implies increasing the energy efficiency and also the mode of resource exploitation, is seen as an opportunity and a necessity at the same time. Investments which consider objectives such as reducing pollution and carbon emissions lead to, on one hand, to increasing income and to an increase in the level of employment, and on the other hand, to preventing the degradation of ecosystem goods and services and biodiversity.

Keywords:

green economy, natural capital, economic crisis.

1. Introduction

In order to protect the biodiversity and ensure the framework for a sustainable economic development it is necessary to adopt a sectorial approach, which would consider high risk areas and to act upon them with priority. The reaction adapted to the problems' severity which affect the natural capital can lead to settling

common objectives and concerted action to solve the problems methods approved at local, national, or international level. Such a strategy allows more efficient resource involvement and a harmonization of the allocation and use of them. A fast degradation of ecosystems, phenomenon called more frequently "the sixth extinction", with

direct reference to the devastating impact of economic development on biodiversity, which represents totally human [ir]responsibility. With all that and despite increasing the degree of concern among both professionals and the population, the number of efficiently protected habitats is still extremely reduced, even in the areas declared protected areas. Ecosystems are affected by major changes as habitats are degraded and fragmented due to urbanization, changing the scope of land usage, pollution and overexploitation. Meanwhile, a significant number of habitats are destroyed as a result of climate change caused by emission of greenhouse gases. The degradation of natural capital is directly reflected in the quality and quantity of food produced, in the increased risk of natural disasters and the health of the population.

2. Economic theory and practical suitability

The economic theory has given a special attention to the natural capital only recently, although one of the first forms of capital used was natural capital, with respect to the land. The nature of public goods assigned to some elements of natural capital has created difficulties in assessing the value of natural capital, of the non-tradable goods and services provided by nature. Most often were counted the destructions of natural capital caused by environmental externalities generated by the industry. Therefore the economic policies that took into consideration the environment focused on the internalization of these externalities, taking into consideration for this purpose, incentives as well as

punitive financial instruments. Also, in our opinion the view according to which as the resources will be used they will also have a gradual substitution, as a result of technological progress and have a continuous increase in the efficiency of their usage along with the economic growth process, it is optimistic to an extent which is not justified.

In the actual understanding of natural capital it represents the extension of the economic concept of capital for the goods and services provided by nature. It is generally regarded as an indispensable stock of resources and benefits provided by ecosystems, which produces a flow of environmental useful goods and services. Among the services provided by the natural capital one can count waste recycling, soil erosion control, water retention and creating hydrological reserve holdings. Currently, there are two errors which occur with regards to the value of natural capital. One of them is trying to express the value of natural capital only in monetary terms. This results some times in ignoring the value of the natural capital for making things simpler and due to the lack of accurate assessment tools, and other times the value of natural capital is assessed only by looking at a part of it. The other error establishing the value of the natural capital is the exclusive assessment of some goods or services provided by nature, whose market value can be determined easily. We shouldn't leave aside; however, the fact that the structure and diversity of ecosystems represent components of the natural capital, so that providing a flow of services by nature requires an overview of how ecosystems work as a whole.

The ecosystems stock and flow of goods and services provided by ecosystems which represent the natural capital is the foundation without which the global wealth creation would not be possible. The exploitation of natural capital produce effects which cannot be found in the balance sheets of businesses. However, the environmental impact can affect climate, security of elementary resources for survival of the population, food resources, water and energy resources. On the other hand, the consequences of irrational exploitation of the natural resources affect ecosystems' resources at a global level. Rational exploitation of land and forests leads to water shortages for hydroelectric power station and agriculture, to a decrease in the storage capacity of CO₂ and to an increase in emissions of greenhouse gases. In times of economic crisis and in the context of globalization more and more diverse and serious consequences of increasingly irrational use of natural capital have emerged. The consumption of oil palm fruit increased 8 times in the last 30 years, being the most frequent oil produced in the world, surpassing the production of soybean and rapeseed oil. The deforestation in Malaysia and Indonesia with the purpose of obtaining palm oil to have negative consequences on ecosystems, endangering orangutans habitats¹. The impact of the activity of oil producing companies on biodiversity has created reactions which have damaged the image and caused losses for those respective companies. Reputational risk can cause adverse effects in financial

terms, leading to a decrease in share price of a company, a lower rating on the stock market or higher interest rates for loans. This is how the companies that have achieved certificates for products made through sustainable industrial processes have gained an advantage, as examples one can count the exploitation of rubber trees, or caviar exploitation.

3. Biodiversity and sustainable economic development

The decrease in the stock of resources and exponential growth of the population creates a growing pressure on global natural capital, which has determined the increase in of its financial value during the last years. The effect is reflected in the firms' financial plans for future periods. The price increases for raw materials leads to shrinking profits for many businesses and creates difficulties for supply chains. This situation represents a risk factor for investors, which needs to be considered together with other risk factors in the context of economic crisis. The condition of public goods of many of the natural capital components makes it difficult to estimate the price evolution. In the same context, sustainable capital investment seeks to impose a competitive market. „Sustainable companies are those that create long-term sustainable value by building economic, social and environmental capital to provide ever better goods and services in a way that is profitable, ethical and respects the environment, individuals and the communities in which they operate.”(Tomorrow's company)

The global crisis has determined the financial markets to examine more

¹ http://www.lexpress.fr/styles/saveurs/nous-consommons-toujours-autant-d-huile-de-palme_1095083.html

carefully the risk exposure, which made the orientation towards sustainable capital investments be more frequent. The companies' actions became sustainable along with the increase in companies' capacity to integrate the natural capital which they have and along with including the sustainability criteria in evaluating the company. The climate changes and extreme weather conditions which became more and more frequent were identified as the biggest market failure in history. As a consequence, the investors began to realize more and more how important are the consequences of climate change on portfolio performance and how important is the effect of carbon dioxide on the economy. This is directly related to individual

consumption, with the level of energetic intensity of production and to how carbon - intensive energy is the energy used. Previous financial crises, just as this one, have confirmed the vulnerability of financial markets to shocks. A sharp rise of prices for some raw materials, or resources belonging to natural capital, can cause systemic shocks in the absence of effective risk management tools, including price risk. This makes very important having a correct estimation of the importance of goods and services offered by the ecosystem, including the social and political responsibility, and the value of natural capital conservation programs should increase in order to allow an improvement in the financial stability in socio -economic context.

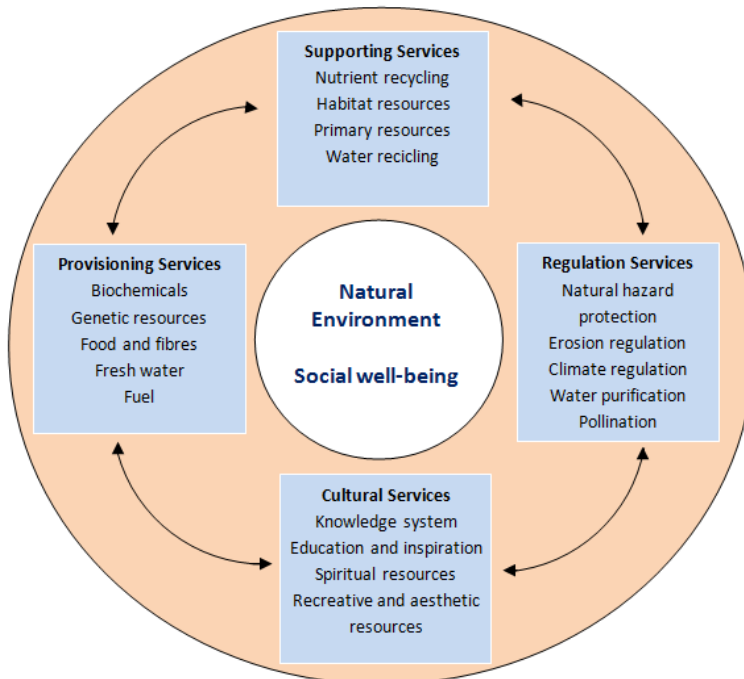


Figure 1. *Ecosystem services* (Source: OECD 2013)

The investment in the natural resources exploitation, mining projects, for example, or hydra-electric power stations or similar constructions have to consider among other types of risks also the environmental risks. Another area of risk for the company is represented by the external effects of their activities and the costs they incur for their internalization. This is why they are related to policies regarding economic sectors which are environmentally sensitive, such as industries with a high degree of pollution, such as chemical industry, and mining industry. The economic crisis has prompted investors to grow the degree of prudence for their decisions, but it wasn't yet considered a systematic approach in the way in which the financial institutions and insurance companies must consider the risks dependent on natural capital. During the economic crisis the pressures on natural capital stock, which was decreasing, were larger and were overlapping the problems created by the economic downturn. Therefore, economies faced decreasing water resources from aquifers layers and surface waters. As a consequence a sizeable decline of drinkable water was registered along with a decrease in the

production of energy from hydropower and fishing industry. This contributed to the instability of global financial markets and increased price volatility.

4. During crisis risks increase

The Risks generated by the degradation of natural capital through the decrease in the amount of goods and services offered by ecosystems are important for companies, therefore understanding these risks and limiting them can lead to an important market advantage. Opportunity losses compensation caused by the global crisis can be created by generating additional profits through businesses transformation in sustainable businesses. Considering this on a long term, the approach may have a role in stabilizing markets that are dependent on natural resources. This requires the introduction of natural capital in the accounting standards so its contribution can be highlighted for the output and make it easier, in the same time, to assess the profitability of companies. However, with increase in the energy and raw material prices, investment in new technologies, which are more efficient, reduce environmental impact of industrial processes.

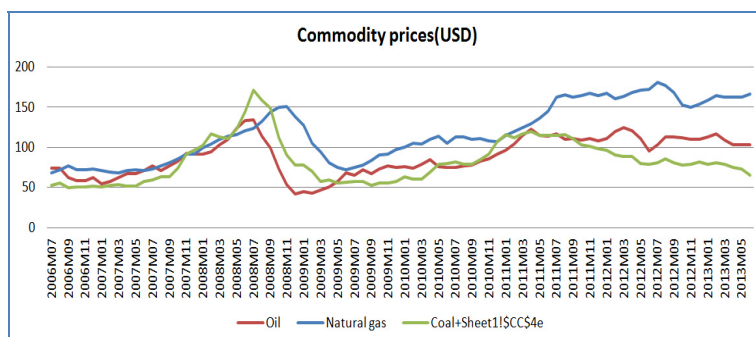


Figure 2. Commodity price during the economic crisis (Source: World Bank)

In order to preserve the natural capital sustainable economic reforms are necessary, reforms which are based on political decisions, which need to consider the economic crisis as an opportunity for a paradigm shift. The current economic model, built on the premises that it is possible to have an unlimited increase in the exploitation of resources, has generated an ecological deficit which is constantly growing. The austerity measures imposed to countries which were in a crisis have a major negative impact on the environment. Also environmental remediation costs are rising, which leads to the conclusion that it is necessary to adopt measures to internalize the environment externalities through effective policies, based on indicators that reflect the status of natural capital. The efficiency of the

measures taken for economic adjustment, taken as a response to the crisis, depends on their level of sustainability. Some measures, such as those referring to increasing the level of efficiency for usage of energy, generate besides financial savings, also conditions for preserving the natural capital. In order to emphasize them, special attention needs to be given to the economic indicators which are more comprehensive than GDP or GNI, because it is difficult to estimate the value of goods and services provided by ecosystems, which is the case for species diversity. Therefore, it is important to revise the role of nature in the production of food, fuel, fiber and construction materials, forcing us to question whether the economic growth is not achieved at the expense of human well-being.

Bovine meat price (USD/T)		Maize price (USD/T)		Rice price (USD/T)		Wheat price (USD/T)	
2006	3,803.25	2006	119.56	2006	311.24	2006	199.65
2007	4,023.00	2007	160.86	2007	334.45	2007	263.80
2008	4,325.08	2008	206.43	2008	697.48	2008	344.58
2009	3,896.58	2009	169.42	2009	583.48	2009	235.69
2010	4,377.75	2010	195.26	2010	520.00	2010	240.81
2011	4,516.17	2011	289.25	2011	566.24	2011	330.08
2012	4,912.58	2012	270.42	2012	590.39	2012	327.15
2013	5,351.29	2013	248.20	2013	539.95	2013	324.37

Tabel 1. *The evolution of food prices during the economic crisis (Source: FAO)*

Comparing the huge amounts spent to rescue the banking system with the amounts spent for saving the ecosystems shows the inconsistency of public politics.

During the economic crisis the industrial activity has considerably decreased and so has the energy consumption, but the cheap energy obtained from fossil fuels,

greenhouse gases generator has been used. The carbon market works slow, and the interests and asymmetric points of view, make the effort of reducing the current carbon emissions harder. On the other hand, the pigouvian principle states that for the negative environmental externalities the polluters should pay a price equal to the marginal social damage

they cause. Thus, they will not pollute beyond the point where marginal cost for reducing the emissions is lower than that price, thus balancing the social cost and social benefit. In the context where the largest part of this amount of greenhouse gases has historical origins and the responsibility belongs today to states that have a high level of industrialization, the problem of taking the responsibility occurs.

Also the discrepancy between the carbon price at the moment when it is calculated and the carbon price at the moment of greenhouse gases accumulating in the future needs to be considered.

As a consequence the investment decisions in the energy field need to consider the carbon price in the future, which is expected to grow in terms real, no matter if talking about energy produced from renewable sources, or talking about fossil fuels.

The constant increase in the price of fossil fuels is not likely to compensate the upgrade of carbon emission price, but it will increase the resistance to it. In addition to the mentioned measures, stimulants for reducing the impact on the environment are considered, the stimulants can be received for example by tropical countries for stopping, or reducing the exploitation of fossil fuel. The irrational exploitation of forests is responsible of 12% of carbon emissions².

5. Conclusions

The global economic crisis has created conditions for the emergence of new perspectives on economic growth in the context of sustainable development.

Theoretical and practical confrontation between economic growth theory and the theory of conservation of the natural environment revealed some unknown, uncertainties and interpretation errors. Although it is often used by economists, the term "natural capital" is interpreted differently by users and therefore the approaches about its efficient use are different, ranging from proposals to limit growth in the purpose of the conservation of natural capital to liberal attitudes based on the principle of neoclassical theory letting prices to establish economic and social importance of the environment. The global crisis has demonstrated that equilibrium between economic growth and reducing environmental impact is difficult in conditions of instability. Consequently, the problem of finding the optimal level of balance between social benefits of development and costs of environmental protection is intractable when the economic variables know a high volatility and political decision must take into account more the social factor. Global economy during the crisis has shown that the solution represented by measures to reduce the rate of deterioration of ecosystems is consistent only under conditions in which is accompanied by investment in recovery of natural capital and the environment is integrated by this way in the whole economic and social process. It outlines a new model of development in which politico-economic-financial system can positively influence natural capital stocks by increasing the quality of policy makers and investment in knowledge capital.

² <http://biology.duke.edu/jackson/ng09.pdf>

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MEASURES FOR THE CAPITALIZATION OF INTERNAL CONTROL ACTIVITY PERFORMED ON THE ENTITY'S FINANCIAL AND ACCOUNTING ACTIVITIES

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Abstract

In the organization of internal control flexibility is required because if a rule is too rigid or no longer current it can lead to inefficiency. Current organizational complexity involving the private sector to organize a system of internal control to fold on this, which can cover a territory so expanded and a wide variety of activities. Thus, the Company's internal controls are exercised at the level of each structure and because of the importance and implications of the financial ones are held separately both in the central department of the Company and in each specialized department of it.

Keywords:

internal control, accounting, department, entity, structure.

Introduction

Internal control consists in comparing the results with objectives, determination of differences and applying corrective or preventive action as appropriate. As a fundamental attribute of management, internal control is perceived as the same time, competence and responsibility of leading that are to be exercised effectively for continuous improvement of the device management action meant to counteract risks surrounding the fulfillment of organizational goals.

Key control channel resides in the entity-wide effort and, ultimately, of all employees towards achieving predetermined goals and objectives, indicating permanently injudicious allocation of resources, malfunctions,

deviations, anomalies, deviations, trends and corrective measures to be operationalized require.

Measures for the capitalization of internal control activity carried on activities accounting financial arrangement involves measures to address the deficiencies and recovery of amounts established as appropriate. Control actions were conducted punitive nature in purposes of establishing the facts which constitute deviations from the legal provisions on the control and finalized by applying contravention fines. When deployment hierarchical control in the financial-accounting in this case on the activity taking place in cashier and failures occur immediate measures are taken on their removal.

If financial control management at end of their mission, body control, have to inform the Reviser General of Financial Control and Management of the Company's management, some aspects that were not included in the control protocol (observations on checked structure management issues of divergence observations can be used to investigate the technical and road safety bodies within specialized research).

Having considered all the deficiencies listed in the report of the Financial Control Forms Management, and presentation notes, important issues arising from control activity summary highlights Financial Control Management and General Director of the Company subject to approval. This act outlines the steps taken during the removal of control deficiencies and proposed measures for solving deadlines and persons responsible for removing irregularities detected.

Measures for the capitalization of internal control activity exerted on financial and accounting activities may have measurable results when shortcomings are quantified and they are determined those responsible or the effects of these measures can be evaluated global impact of all activities.

Management controls carries out specific functions, operations, real, practical and coexist in a single, interdependent and complementing each other, as follows:

- *preventive and improvement function*, which materializes in preventing the occurrence of defect or damage. By preventing trends and phenomena that require correction decisions, ensure improvement of the management of heritage organization

and management of business. The control is meant to guide the work toward major objectives in a rational order of priorities and perspective to prevent and remove human effort and material wastage and ensure economic and social efficiency;

- *finding and correcting function* is manifested in the case of any disturbance. Through control seeks how to meet the line management decisions relating to the operation of financial and accounting activities and ensure compliance and protect their interests. To achieve this function using control methods and techniques by which irregularities, deficiencies and deviations and evaluated findings by correcting and updating the parameters of normality and legality of situations;
- *position of knowledge and evaluation* of the situation at a time, the results obtained at the end of the management period, the manner of work under normal conditions, legality, efficiency and solvency. This position requires a thorough analysis of all anticipated irregularities and possible negative trends. It is supplemented by the evaluation function of control which, under the reality and legality, sets and, whenever possible, individualized management consequences, economic, financial, budgetary, fiscal and social;
- *educational and stimulating function* for all participants to achieve process management. By making other control functions, especially by the correction function control gain educational future periods based on the results obtained and their

recovery. Based on the principle that "even control can control" control helps to stimulate all factors taking part in the management process. At the same time, acts as control for positive, stimulating efforts to overcome the critical situation and getting good results in the future;

- *coercive function* is the fact that in order to help prevent and eliminate deficiencies must establish responsibilities and control is achieved through a complex of administrative, civil or criminal, which offer or have the responsibility to those who are guilty of deficiencies.

Through these features, management control helps maintain economic units in the program advance through optimum adjustment over the financial and accounting activities performed by detecting deviations, their proportions and removing their financial and economic consequences, making adjustment function system, intrinsically linked to the other by internal and external factors influence perception.

2. Opportunities to improve internal control activities performed on in the entity's financial and accounting activities

The many relationships involving company relationships are born both in the interests of proper functioning and relationships with partners, with the state, make the control work to gain a broader and much wider significance.

The control responds for both Companies' need, to know the financial activity profitability and survival or growth opportunities and the need to be informed if it has the capacity to meet its

obligations to the state and to the partners (paying taxes and fees, payment for goods and services purchased repayment of loans and interest payments).

Internal control over its financial and accounting activities of the Company in its essence is control over the management of heritage, but it is also a process of shooting the past appreciation of the present and the decipherment of the future, in relation to economic activity financial and economic performance.

Internal control over its financial and accounting activities is primarily a process of knowledge as it provides important data and information.

Any action taken by management to increase the likelihood that established objectives and goals will be achieved is a control. As a form of control to cause and encourage desired event targeting control.

In order to harmonize the control activity so that it becomes coherent, unified, act visibly improve body control and control relationship (eg financial control management) financial and accounting departments, is required:

- developing specific provisions to regulate this activity,
- adapt the software to the current requirements of implementation of the management so that they serve in making decisions,
- implementation of a program of staff training,
- conclusion in the shortest time of the reorganization,
- OMFP implementation no. 946/2005, regarding the

implementation of management control.

The development of these tools has proven to be absolutely necessary, after numerous acts of control and following discussions on the shortcomings and deficiencies in the operations control. Purpose of these documents is to support and contribute to the improvement of the control in order to avoid duplication of controls and hampering the activity of the control, and to determine the limits within which it must fall.

In the present context it is necessary for the improvement of internal control activities performed on accounting and financial activities in the rail sector is a continuous process adapted to the new legislative and structural changes.

Control is an attribute of which it performs the operation management systems and their relationships in a way he decided on the structure and organization.

Internal control over its financial and accounting activities is primarily a process of knowledge as it provides important data and information. Control function and evaluation of financial and accounting activities are an important function of the line manager and it is likely to provide feedback on progress and performance of its structure.

As a fundamental attribute of line management internal control is perceived as competence and responsibility exercised valued in order to improve the device management action meant to counteract risks surrounding the fulfillment of organizational goals.

Any action taken by management to increase the likelihood that established

objectives and goals will be achieved is a control. A control form causing and encouraging the desired event targeting control.

Internal control is at the micro and macro function effectively, necessary and even mandatory for ensuring management particularly relevant when it is based on risk management. This function provides knowledge of internal control strengths and weaknesses of the system and at the same time the possibility of setting levers to improve the management of patrimony and the targeting and organization of accounting and financial activity.

Specific activity of internal control exercised over the financial accounting activities of the Company is given external funds where besides the national law must take into account the requirements of the European Commission.

Meet both company management control need to know financial activity, profitability and survival or growth opportunities and the need to inform if is able to meet its obligations to the state and to the partners (taxes and fees, payment for goods and services purchased, repayment of loans and interest payments).

At the same time ensuring fairness, accuracy and reality of financial and accounting information is a big problem accounting financial control. Through internal control work performed on their financial and accounting management of the Company provides real information, dynamics, leading to increased efficiency preventive decisions must assume. In this way the internal control reaches the essence of the phenomenon and

contributes to the scientific and effective, observes the negative aspects and preventive intervention to mitigate or liquidation deviations. Like any activity, and internal controls over financial accounting activity carried his inherent limitations are identified. Basically each identified internal control limits must be allocated its potential for improvement or removal.

In order to harmonize the control activity so that it becomes coherent,

unified, act visibly improve body control and control relationship (eg financial control management) financial and accounting departments, develop specific provisions to regulate this activity .

The many relationships involving company relationships are born both in the interests of proper functioning and relationships with partners, with the state, make the control work to gain a broader and much wider significance.

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ENGAGEMENT PRIOR TO MARRIAGE – A SHORT WALK THROUGH THE HISTORY OF ROMANIAN LAW

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Abstract:

The main purpose of this paper is to point out the legal nature, purpose and effects of the engagement prior to marriage in nowadays Romania, and also in old Romanian regulations, dating from the beginning of the XIX-th century. Equally, for a complementary perspective, the engagement prior to marriage as a religious institution will be briefly analyzed. In the final part, a conclusion will be pointed out, regarding the social perception of the engagement and also the reasons that made it a contemporary institution in Romania, despite the fact that it is not found in most modern Civil Codes.

Key words:

engagement prior to marriage, history of law, civil engagement, religious engagement.

1. Generally, to understand the purpose and nature of a legal concept, one has to read beyond the solitary text of the law, therefore a historic approach on the grounds of legal regulation and a complementary analyze of other domains that establish the limits of the same concept will offer a better suited answer for the inquiries made.

Having this as a starting point, the present paper aims at offering an analytical approach on the concept of engagement as it was regulated in most relevant Romanian Law texts in the last two centuries and as it has been regarded in Orthodox religion, due to the fact that engagement is not only a civil but also a religious institution.

Therefore, for the purpose of this paper, after a brief introduction, regarding etymological considerations, we shall

search the purpose and nature of the engagement before marriage in old Romanian regulations, meaning The Legal Manual of Andronache Donici, also called The Donici Code from 1814, The Calimach Code from 1817, and The Caragea Law from 1818 in the second part of the article. The third part will be dedicated to the regulation found in the contemporary Civil Code¹, the fourth part of the paper will approach the matter of engagement from a Christian Orthodox point of view, by reference to Canonic law, and the fifth part will offer a general conclusion on the issues and inquiries debated.

¹ Law no.287/2009, republished in Part 1 of the Official Gazette, no.505, from the 15th of July 2011.

In consequence, due to the fact that this paper will analyze the engagement before marriage as a social concept, a brief etymological approach will prove useful. The English term “*engagement*” is derived from the French noun written in the same manner, that can be contextually translated by “formal promise”, having the *promise of marriage* sense from 1742².

The Romanian term is “*logodnă*”, derived from the Slavic “*lagoditi*”, that can be contextually translated by “to agree upon”³.

The French word is “*fiançailles*”, derived from the old French “*fiance*”, meaning confidence, fidelity⁴.

The Latin term used for engagement is “*sponsalia*”, and has the meaning of a *promise lawfully made between persons capable of marrying each other, that at some future time they will marry*⁵.

From all four terms we can observe that the conceptual meaning of engagement is that of a *promise, based on trust*. This being the original sense, we will state that its first function was to offer confidence to an individual, based purely on the trust between parties involved.

We shall see that from a legal point of view, this *promise* is designed to provide a binding force for the parties that consented at a given time, therefore one

of the parties would be entitled to demand the other to keep the promise made, or offer compensation.

In modern times, strictly from a legal point of view, the engagement is able to offer both parties involved a legal solution to separate their belongings if the engagement would cease before marriage.

2. In what concerns old Romanian Law, we will start by pointing out the provisions of *The Donici Code from 1814*, this being the first out of the three texts, in chronological order.

The 30th Title is named “Engagement and marriage”, and the first 7 paragraphs are fully dedicated to engagement.

The first two paragraphs indicate substantial circumstances in which engagement can occur: the two parties involved should be at least 7 years old, and their parents⁶ must agree to the engagement⁷. Therefore, the nature of this affair is that of a convention between the parents or tutors of the two fiancés, and also between the two fiancés. Given their limitation in age, respectively 7 years old, we can assume that not all engagements were made out of the pure will and desire of the two involved.

The third paragraph has a dual nature, legal and religious, because it states that an engagement made according to religious tradition⁸, by “*hierourgy*”⁹, is

² The Online Etymology Dictionary, available at: <http://www.etymonline.com/index.php?search=engagement>, last visited on 15th of December 2013.

³ I.Oprea, C.-G. Pamfil, R.Radu, V.Zăstroiu - *The new Romanian Universal Dictionary (Noul Dicționar Universal al Limbii Române)*, 3rd edition, Litera International Publishing House, Bucharest, 2008, p.844.

⁴ Available online at: <http://fr.wiktionary.org/wiki/fiançailles>, last visited on 15th of December 2013.

⁵ Available online at: <http://legal-dictionary.thefreedictionary.com/Sponsalia>, last visited on 15th of December 2013.

⁶ In one's parents are not alive at the time of the consent, the agreement will be granted by a close relative of the newly fiancé, or by its tutor.

⁷ If the consent of the parents/tutors was not properly given, the engagement will cease to exist.

⁸ The proceedings implied that the priest would read the engagement, offer a blessing, and symbolically connect the two fiancés by a cross.

considered to be a marriage. This provision will be regarded mainly for its religious outcome, because it does not establish a legal status equivalent to marriage for the two fiancés, but it justifies that from a religious perspective they are considered married, and the religious service made for them was complete. We shall also observe that in The Donici Code there is no mention of religious marriages without the afferent civil service, and if only a religious ceremony would have been performed, then the two people involved would be fiancés and not husband and wife. Therefore, a religious marriage, without a civil marriage represents nothing more than an engagement.

The effects of the engagement are highlighted in the fifth paragraph, and they can be summed as the restitution of gifts made considering the upcoming marriage.

Briefly, when celebrating the engagement, each of the fiancés and their extended families make gifts to the other fiancé and its family. It is essential to point out that those gifts are caused by the engagement itself, as a prelude to marriage. As a result, the gifts are offered as a proof of trust, considering that a marriage between the two fiancés will take place. If it will not take place due to the conduct of one fiancé, that would lead to the termination of the engagement, then, that person will have to compensate the others harmed by its conduct.

⁹ Contextually, it can be translated by “an act or rite of worship”, according to Merriam-Webster dictionary, available online at: <http://www.merriam-webster.com/dictionary/hierurgy>, last visited on 15th of December 2013.

These effects have the nature of civil liability owed by the part that bears the guilt for ceasing the engagement, and only that part will be forced to return the gifts received from the other fiancé and its family. Consequently, the innocent part will not have to give back any of the gifts received. If the engagement will cease by mutual agreement, gifts will be returned by both parties.

This is a reason for which contemporary literature¹⁰ defines the engagement regulated in old Romanian law as a civil contract. Considering this qualification, we will accept that if a contract is legally binding, then one of the fiancés may force the other to proceed to marriage. This conclusion can also be supported by the fact that the engagement can cease only for important and justified reasons.

Those reasons are stipulated in the seventh paragraph of Title XXX of the Donici Code and mainly consist in mutual agreements to cease the engagement, or deceptive representations of reality by one fiancé to the other¹¹. A criminal punishment imposed on one of the parties would terminate the engagement. Also, the arrangement will cease when it would have been made without the knowledge of parents or tutors and one of the parties does not wish to carry on. Slaves were forbidden to engage, and if one of the fiancés would become a slave, the engagement

¹⁰ I.Albu – *Marriage in Romanian Law (Căsătorie în Dreptul Român)*, Dacia Publishing House, Cluj-Napoca, 1988, pag.28; M.Avram – *Civil Law. The Family (Drept civil. Familia)*, Hamangiu Publishing House, Bucharest, 2013, p.31

¹¹ Like hiding the existence of a disease or another fact that was believed otherwise by the other fiancé, and determined the latter to commit by engagement.

would end. A person would be released from obligations if he would choose and be received for a monastic life.

In what concerns *the Calimach Code from 1817*, we will observe that the engagement is regulated by sections 64-70 of the title called “Law of Marriage”¹². Section no.64 offers a definition of the engagement, as a promise for later marriage and divides it into two types: complete¹³ and incomplete¹⁴. The complete engagement, according to section no.65 is made by hierourgy¹⁵, has the same binding force as marriage, and can only be undone for important and justified reasons. Incomplete engagement can be achieved by a simple agreement, mostly in oral form, followed by an offer of gifts, or money. If this arrangement will cease, then the part that was harmed in its expectations would be entitled only to compensation.

Sections no.67 and no.68 establish the manner in which compensation would be set if one of the two fiancés, without a justified reason, would cease the engagement. Briefly, that manner consists in returning the gifts and sums of money received by the part that bears the responsibility for the termination of the arrangement. Also, all the expenses made for organizing the wedding by the other part will be compensated.

A exonerating cause can be found in section no.69, according to which, the

fiancé who did not know about the legal impediment to marriage that existed in his case, would not be forced to compensate the other part. This is a form of protecting the good faith of the fiancé, that has no judicial guilt for not being able to proceed to marriage.

Section no.120, establishes the important and justified reasons for which a complete engagement can be terminated: the lack of age for one of the fiancés, if the fiancé would be pregnant with another person, for difference of religious beliefs, for criminal punishment, for acceding to monastic life, for heavy debts, for a sudden change of welfare¹⁶ and for engagements made contrary to the will of the fiancés.

Considering *the Caragea Law from 1818*, we will observe provisions regarding engagement can be found in Chapter 15, entitled “For Engagement”, consisting in 4 paragraphs.

The first paragraph offers a definition of the engagement as a consent prior to wedding. The second paragraph states that those that are free to marry are also free to engage, imposing, therefore, the same conditions as for marriage in what concerns the parties involved.

Causes for ceasing the engagement are established in paragraph no.3, reason for which we will take into account that the engagement will be terminated if it would be made breaking the provisions for marriage¹⁷. More than that, the fiancés

¹² The Romanian old term is „Dritul Căsătoriei”.

¹³ Can be made only if the man exceeds the age of 14 and the women the age of 12, according to section no.70.

¹⁴ This type of engagement can be used for any person older than 7 years, according to section no.70.

¹⁵ Religious act and rit performed by a Christian Priest.

¹⁶ This provision regards the situation in which one of the fiancés loses the possessions he had when the engagement was made.

¹⁷ Actually, this provision is intended as a reverse to the provision in paragraph no.2 that states the same rules for marriage in the case of engagement. To make it clear, if, for example, a person does

are free from their engagement if one or both choose to accede to monastic life, or one of them develops an incurable disease. For these situations, the gifts offered would be returned, but without any penalty because no legal guilt can be imposed upon either of the fiancés.

If the engagement ceases in a way imputable to one of the parties, for example, one of the fiancés show ingratitude regarding the other, or although they can get married, one of them avoids without a reason, or when without any reason, one denounces the engagement, they will be bound to return the gifts received, but also alongside a penalty, intended to compensate the damages caused to the innocent part, or its family.

The Romanian *Civil Code from 1864*¹⁸ did not regulate the engagement, because its nature was that of a liberal law, and the legal value of marriage promises was not accepted as serious. More than that, the Civil Code from 1864 aimed at offering consistence to the principle of matrimony liberty¹⁹.

In a way, the same argument justified the fact that the Romanian *Family Code from 1953* shared this position, and more than that, it was seen a progressive²⁰ legislation, that will not regulate a traditional institution such as the engagement.

not have the right age requested for marriage, if he will engage, the engagement will be terminated because one of the conditions regarding the person involved is not achieved.

¹⁸ The Code was adopted in 1864, and its entry into force was in December 1865.

¹⁹ M.Avram – *op.cit.*, p.31

²⁰ I.Albu – *op.cit.*, p.29

3. In this section of the paper, we shall briefly point out the nature of engagement from *a canonic point of view*.

According to theological literature²¹, the engagement is a solemn act of mutual promise for marriage between the two that engage. Usually, the engagement, as a religious service was made before the service of marriage²², but in contemporary times it is especially made during the same service.

Nowadays, due to a Decision of The Holy Synod of the Romanian Orthodox Church²³, engagement cannot be performed outside the Holy Service for Matrimony, making it an accessory part to the latter, without a separate existence. This was a result of the reluctance of people that have done a religious service for engagement once to return to church for another religious service, this time concerning marriage.

The Romanian Orthodox Church accepted to perform engagements for those that accomplished the conditions imposed for the religious service of marriage²⁴.

Regarding its effects, a valid engagement between two people represents an

²¹ I.Floca – *Orthodox Canonic Law (Drept canonic ortodox)*, Biblic and Missionary Institute of the Romanian Orthodox Church Publishing House, Bucharest, 1990, p.71

²² Sometimes the engagement preceded marriage by over a few years, and its purpose was to offer the fiancés a guarantee that the wedding will occur at a given moment.

²³ Decision no.9027/25.10.2011 of The Holy Synod of the Romanian Orthodox Church, available online at: [http://www.patriarhia.ro/_layouts/images/File/CSF/9027-Comunicare Codul civil.pdf](http://www.patriarhia.ro/_layouts/images/File/CSF/9027-Comunicare_Codul_civil.pdf), last visited on the 15th of December 2013

²⁴ I.Floca – *op.cit.*, p.72

impediment for marriage, from a religious point of view, if either of the two would want to marry someone else. In this case, the person engaged that wants to marry another person than its fiancé, would need to undo its religious engagement before taking part in the religious service of matrimony.

Of course, if the fiancés would to marry each other, then the engagement would be perfectly valid and would reach its goal.

In this regard we should observe the fact that the religious service of engagement is not a sacrament²⁵, but a hierourgy, therefore a service that can be performed on various occasions. Although in the last century the engagement used to have a separate identity from marriage as a religious service, today it has become more like an administrative step on the way to the sacrament of matrimony.

4. Analyzing the provisions of the **New Civil Code**, respectively law no.287/2009, we shall observe that engagement as a legal institution is once again enforced. This way, we will find the regulation in Title II, Chapter I, articles 266-270.

Art.266, in its first paragraph offers the definition of engagement: a mutual promise to commit to matrimony. We can see that this does not pose much difference from the other definitions previously mentioned.

The conditions imposed on parties are the same with those imposed for civil

marriage, except the medical notification and the approval of the guardianship court. The engagement is not subjected to formalities and is not compulsory before marriage.

Concerning its effects, the fiancé that denounces the engagement cannot be forced to proceed to marriage and no penalty can be stipulated to prevent him from denouncing the engagement, according to art.267, paragraphs 1 and 2.

Regarding the legal nature of the engagement, contemporary literature qualifies it as a legal fact²⁶, a legal act²⁷, or a *sui generis* institution of hybrid nature²⁸.

Briefly, we should underline that the idea of engagement as a legal fact has its basis on the effects of the engagement in what concerns a unilateral and abusive denunciation. The effect is the right of the innocent to obtain a compensation for the harm suffered. For this reason, the engagement was qualified as a simple legal fact, that may justify reparations in case of unpredicted termination.

Regarding the idea of engagement as a legal act, or a contract, we should bear in mind that it bases itself on the consensus existing between the two fiancés to commit, making it different from a simple legal fact. Nevertheless, a legal act, in case of non-execution, would entitle one of the parts to demand the contracted action from the other part. In

²⁶ M.Avram – *op.cit.*, p.31

²⁷ E.Florian – *Considerations regarding the engagement in the New Romanian Civil Code (Considerații asupra logodnei reglementate de Noul Cod civil român)*, Curierul Judiciar Magazine, nr.11/2009, C.H.Beck Publishing House, Bucharest, p.632

²⁸ C.Hageanu – *Engagement in the New Civil Code (Logodna în Noul Cod civil)*, Curierul Judiciar Magazine, nr.10/2011, C.H.Beck Publishing House, Bucharest, p.530

²⁵ The sacraments in the Orthodox Church are officially called the “holy mysteries”. The seven sacraments are: baptism, chrismation, holy eucharist, penance, matrimony, holy orders and the unction of the sick.

case of an engagement this demand is expressly prohibited.

If we are looking at the engagement as a *sui generis* institution of hybrid nature, we should observe that the conditions for engaging are similar to those requested by a contract, but the effects of that act are only those resulting from civil liability for an illicit fact.

As previously shown, the ceasing of the engagement is able to offer the innocent part a right to obtain a compensation for the harm suffered. Subsequently, the part that denounces the engagement cannot be forced to proceed to marriage, because that would be a limitation of its right to a free marriage²⁹.

Art.268, in paragraph 1 states that in case the engagement is terminated the gifts that the fiancés received considering the engagement or the perspective of marriage would be returned, except for usual gifts. This is the first patrimonial dimension of the ceasing of engagement. To determine whether a gift is usual or not, we should refer to its importance for the part that received it and for the part that offered it, and also the material welfare of the donor, to understand the dimension of its effort to offer the gift. A precise delimitation is not completely possible and will surely be depending on each case.

There is no obligation of returning gifts if one of the fiancés dies. In this case there is no guilt for the other part, therefore there is no reason for which it may be subjected to this type of sanction. The second patrimonial effect when an engagement ceases is the obligation for

the fiancé that in an abusive manner caused the termination to compensate all expenses made or contracted considering marriage to the extent they were suited with the circumstances, alongside other damage caused. This obligation derives from art.269, paragraph 1 of the Civil Code.

Paragraph 2 of the same article provides that the fiancé that by guilty misconduct determined the other fiancé to terminate the engagement will be liable for compensation in terms of paragraph 1.

As we could see, the new regulation of engagement primarily focuses on the patrimonial dimension of this institution, and this way, its true effects come to light each time the engagement ceases by fault of one of the fiancés. The effects of the termination can only determine a restitution of gifts and also a financial settlement for the expenses made by the fiancé considering the forthcoming marriage. Also there is no doubt there are no provisions of personal nature.

5. In the final part of this paper, we shall try to point out, as a conclusion, the way the social perception of the engagement transformed itself over the last two centuries.

Firstly we need to justify why was the engagement carefully regulated in the first half of the XIXth century, why it lacked regulation in the XXth century and why did it reappear in the XXIth century. The answer comes from the traditions of the Romanian people and from the religious norms existing over the last centuries. In this sense, the three old legislations analyzed were enacted in a time when most traditions in family matters were based on religious

²⁹ Granted by art.48, paragraph 1 of the Romanian Constitution and art.16 of the Universal Declaration of Human Rights

customs³⁰. By that time, the religious service of engagement was highly common and many people resorted to it to obtain a guarantee that they will marry their chosen partner at a given time, and also benefit from its possessions from that moment on.

When the Civil Code of 1864 was enacted, the institution of engagement disappeared mainly because the new legislation was inspired by the French Civil Code of 1804, which was elaborated on quite liberal basis, therefore, old customs and traditions specific to old Romanian law were left outside the legal area of regulation.

This did not prevent people from resorting to engagements, but this time, they were strictly religious.

The same issue, with quite a similar answer will explain why the Romanian Family Code from 1953 made no mention of engagement. In 1953, Romania was under Soviet influence, which continuously promoted the idea of progress in every domain, including legislation. This quest for progress in the legal field prevented the return to an old institution that was left outside the legal area of regulation for almost one century at that time.

On these premises we come to some questions: Is the reappearance of the engagement in the New Civil Code appropriate by reference to other contemporary legislations? More than that, is it useful in nowadays Romania? Is

³⁰ This conclusion is also sustained by the fact that the Donici Code, for example, has a special provision regarding religious engagement, as shown in part 2 of this paper. Also, the Calimach Code refers to “hierourgy” which is essentially a religious term.

the engagement a tempered manner to give cohabitation a legal regulation? And finally, what is the legal nature of the engagement in the New Civil Code?

In what concerns the first question, we believe that the simple existence of this institution in the Civil Code is a benefit, and if we refer to the Italian Civil Code, for example, we will find a similar regulation in art.79-81. The same model will be discovered in the Civil Code of Switzerland, art.90-93. In these coordinates, we can assume that the idea of introducing a regulation of this manner in the Romanian Civil Code was justified.

In what concerns its utility, answering to the second question, we believe that this institution emerged *only* from the need to regulate patrimonial relations between the fiancés in the moment the engagement was terminated. For this reason, private law literature named the engagement a *posthumous*³¹ institution, mainly because it reaches its potential only after it comes to an end.

Practically, by reference to the Civil Code, the regulation covers only the patrimonial dimension, leaving outside the human-personal dimension of the relations between fiancés.

From a religious perspective, the engagement is forbidden to be made in a separate manner from the sacrament of matrimony, mainly to prevent it from turning into a form of cohabitation already tolerated by the state, followed by the blessing of the church.

From a retrospective analyze, we can observe that the engagement was a useful and justified institution in all of its

³¹ E.Florian – *op.cit.*, p.630

dimensions almost 2 centuries ago. Starting from 1865 it has become a free and unorganized institution from a legal perspective, but it developed into a well accepted institution, without many restrictions, by the practice of the Church.

Starting from 2011, the engagement is again an actual institution, but only in what concerns its patrimonial dimension, and was intentionally left unregulated in what concerns its personal dimension. From a religious point of view, the engagement is valid only alongside matrimony, as previously shown.

To answer the third question, the engagement cannot be seen as a tempered manner to give cohabitation a legal regulation, mainly because it does not offer a regulation for people that live together. It only gives a legal regime to gifts and expenses, nothing more.

Regarding as a whole, to answer the forth question, the engagement in the New Civil Code is a legal act, more precisely a contract regarding the separation of common belongings, obtained by fiances from gifts considering their engagement

or their forthcoming marriage. Also it establishes a special form of civil liability, in case of abusive unilateral denunciation.

It is true that a contract may be subjected to enforcement, but in this case, an express provision stipulates that the obligations cannot be executed directly, therefore, this is a contract that gives birth to the right to compensation.

The engagement will not be regarded as a legal fact because it can only appear on the basis of a mutual agreement that gives birth to rights and obligations for both parties. More than that, it cannot be a *sui generis* hybrid institution, as long as there are enough elements to place it in the category of legal acts.

Its theoretical utility is not under a question mark, because its provisions are justified by its purpose, but nonetheless, its real effects are lacking appreciation because a regime for separating belongings can also be reached by a private manner, and usually it is reached that way. The special civil liability can also be valued by using common provisions, therefore the present regulation is not precisely effective.

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THE IMF'S PRESENCE IN ROMANIA, NEED OR OPPORTUNITY

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Abstract:

The beginnings of the transition and the implementation of the market economy principles in Romania are undesirably related to IMF. After 20 years of economic turmoil, following the negative effects induced by the financial and economic crisis, as well as by the discretionary policy measures of the Romanian governors, the return to the IMF economic policy measures shows the incipient development of the Romanian economy. The economic measures imposed by IMF are inconsistent with the anti-crisis measures of a country that is willing to protect the entrepreneurs and economy thereof.

Keywords:

economic policy, program of austerity, economic crisis, IMF policies

The International Monetary Fund (IMF) works to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty around the world. IMF financing is available to give member countries the breathing room they need to correct balance of payments problems. A policy program supported by IMF financing is designed by the national authorities in close cooperation with the IMF, and continued financial support is conditional on effective implementation of this program. To help support countries during the global economic crisis, the IMF has strengthened its lending capacity and has approved a major overhaul of how it lends money. In low-income countries, the IMF provides

financial support through its granting lending facilities.

IMF is mainly focused on crediting member countries with balance of payments deficits, regulated by the implementation of economic reforms and structural adjustment. The financial resources granted to the member countries are given in the form of financial assistance programs (financial incentives) for: stand-by agreements, structural adjustment facilities, extensive facilities, grant compensatory financing facilities, credit lines, facilities to reduce poverty support growth and decrease external debt. IMF also provides technical assistance and financial advice, promote measures of macroeconomic policy (fiscal, monetary, social, foreign exchange liberalization), structural policies to stimulate the economies of member countries and develop social

climate, financial and market labor reforms. IMF adjustment programs have their own costs. They cause suffering and hardship to both poor population (no price subsidies, no welfare support or wage increase) and non-producing industries (no budgetary subsidies).

State debt problem, which affected the '80s, appeared as a result of excessive indebtedness of developing countries but also the bankers' tendency to over credit or to sell credit with too much enthusiasm to the amateurs of great risks (Strange, 1997). Debt leverage trend began when OPEC quadrupled oil prices in 1973. Since many developing nations relied on imported oil, their trade balance showed severe deficits. At the same time, OPEC has recorded massive trade surpluses of which some were converted into loans to developing countries being poorly managed. The increase of energy prices in 1979 led to a further debt increase of the developing countries. The severe global crisis that began in 1981 decreased the demand for oil of many of these countries. The creditor banks chose to reschedule payments, causing developing countries to pay interest added to the already existing debts. IMF has played a central role in arranging such rescheduling, new loans and licenses for adjustment policies. These policies are meant to limit the damage and government consumption expenditure and thus increase the probability that loans should be ultimately paid. The critics who contested the role of IMF argued that some of the restrictions imposed by the IMF led to a decrease in investments and concluded therefore that the conditions were unproductive (Lipsay, Chrystal, 1999). Therefore, the

IMF and World Bank imposed economic programme packages to the indebted states that required radical reforms carried out in order to create financial discipline designed to cancel external debts and to (re) open national economies to the global economy.

The assistance measures package developed by IMF in order to reduce the macroeconomic disequilibrium includes a system of models and policies derived from heterodox theories, applied depending on the socio-economic realities and needs of each member country. The policies mix includes both the IMF's policies concerning the assistance to redress the balances of payments and the financial facilities regarding the short-term monetary stabilization, as well as World Bank's policies with respect to the assistance granted to developing countries for structural adjustments and long-term economic development. The stabilization programs assisted by IMF are also supported on long term by the World Bank, following the experience of the countries in transition, being obvious that the monetary stabilization effort may not have conclusive and sustainable results if not supplemented and supported through structural measures.

The IMF programs include packages of programs and reform measures known as imposed conditions, making a clear distinction between objectives, tasks and instruments (David, 1985). *The objectives* of the programs are: eliminating the inflation and the economic growth, rebalancing of the balance of payments on short and medium term, adjusting the external debts, having the economic stabilization and structural adjustment as

tasks, namely the adaptation of the aggregate expenditure level to the available budgetary resources level, both structurally and quantitatively, using monetary and financial *instruments*, such as the reduction of the monetary mass, budgetary expenditure, devaluation of the national currency, the consolidation of the financial discipline, the adjustment of the interest rate, of the exchange rate and tax rate, but also structural, such as those regarding the liberalization, the privatization, the trade policy adjustment. During the '90s there was a great diversity in terms of reform efforts and the performances of the countries in transition to the market economy. Several key factors explain this heterogeneity, especially the substantial differences with respect to the initial conditions of each country in the transition process, the external environment, the willingness and the ability of the national authorities in implementing and maintaining the policies of economic stabilization and structural reform, with or without any support from IMF or from the international financial community as a whole. Since these factors were determinant in the transition process for a lot of countries, the assessment of the contribution of the IMF programs and of the policies thereof is difficult and requires a long time until the economic situation of the respective country improves.

In recent years, IMF has promoted second generations of reforms: the first aimed to establish the principles of market economy and to achieve the economic growth by means of applying the liberalization measures, opening the

economy, eliminating the direct control of the state over the economic mechanisms, with benefits for the countries that implemented them (Hungary, Poland, Czech Republic, Slovakia, Slovenia), some countries (Bulgaria, Romania) requiring further reforms in order to complete the transition process and the second generation focuses on restoring the relationships between the public institutions, market and civil society to support the economic growth and development and the social welfare. According to Flemming Larsen (Larsen, 2002), the reforms of the second generation try to correct the market failure in the efficient allocation of the resources and also to redefine the role of the institutions, both in their dealings with the market and also the appreciation of the institutions as an interface between the market and the citizens, in order to reduce the social costs created by competitive mechanisms. Flemming Larsen identifies the main types of reform of the second generation able to achieve the consensus among the civil society, state and market: adapting the institutional reforms to the civil society needs in order to maximize the social and the competitive market benefits, the implementation of social and economic measures to protect the collective interests, the flexibilisation of the role of the state, the application of democratic and legal principles so as to remove the negative effects of the market.

Nobody likes IMF; if someone liked it, it would be a bad sign, because IMF is the last resort lender of the national governments; it is where they go for funds when they confront with hopeless

situations. And the last resort lenders are called to discipline, to offer what one needs, not what one wants, on this occasion forcing one to come to senses and do its duty (Krugman, 2009).

The international financial institution supports some very hard budgetary and monetary policy measures whose results lead to the reduction of the budget and current account deficit without taking into account the structural disequilibrium that it deepens knowingly. The IMF measures are designed to restrict the aggregate demand by reducing the public expenditure on the one hand, and increasing taxation, on the other. Applying these measures in times of economic crisis, when the social vulnerability is very high and the consumption demand is declining due to the depreciation of the purchasing power, following the rise of the unemployment and of the available income, may stop the increase of the short term budget deficit without developing into an economic growth not even on the short term because of the ingravescence of the structural deficits. The IMF rigors lead partly to the stabilization of the exchange rate by widening the action of NBR, which has positive repercussions over the importers or speculative actions. However, the increase of the imports without being accompanied by the increase of the exports, deepen the trade deficit and the external debt. The necessary economic measures under conditions of crisis and for the economic recovery on the medium and long term are outside the IMF's view, as they aim to stimulate the investments through fiscal and monetary support measures. IMF financing

supports the economy only on short term and the opportunity cost might be monitoring the income and expenditure flows at the national economy level. However, it is a much too high price!

The agreement with IMF and the European Commission by which Romania contracted a loan of about EUR 20 billion has been long debated, the opposition and some of the business analysts accusing the Government that it runs into debt uselessly and for costs that Romanian taxpayer will bear with great difficulty.

- ✓ the IMF reproached the Government with the impossibility of monitoring the arrears in areas other than the state budget, areas pertaining to the consolidated state budget. The IMF's interest to reduce the arrears is related to the reduction of the public expenditure and in particular the increase of the competition in the public-private sector, as a prerequisite for the markets liberalization.
- ✓ new targets have been set for the public companies expenditure: the IMF has identified along with the Government's representatives ten enterprises, with the greatest difficulties, for which there were set certain targets for expenditure. This is a new requirement included in the Agreement indicating legal changes that allow the Government to closely monitor these companies, in particular regarding the establishment of the wage size and salary increases. This measure is appropriate because the wage pressures in the public sector lead to unsustainable public expenditure, in the detriment of the public investments related to

production, having real impact on employment rate. In addition to the reductions of salaries and arrears, the Government should reduce the amount of the expenditure for unsustainable public procurement in order to support business incentive measures.

- ✓ redundancies or the reduction of the wages in the public sector is the Government's option in order to achieve the budget deficit target
- ✓ achievement of the BNR's inflation target.

The use of economic policy measures proposed by the IMF in Romania must not be seen in terms of choice but of necessity. As noted, the IMF financing has a lower cost compared to the attraction of the funds from the international financial markets, under conditions of lack of liquidity. Furthermore, the measures to improve the allocation of the public funds proposed by the IMF are meant to draw attention to the need for the administrative and budgetary reform. Romania should take measures to increase the transparency of the monetary flows, the fiscal predictability, and control of the performance of the financial resources allocation and, perhaps, under such circumstances, the relationship with IMF would become an option. In addition to these measures, Romania needs the stimulation of the

entrepreneurship initiative and the measures to support the interest for the market.

Paradoxically, the reform measures recommended by the IMF are more intended to maintain the instability and the economic decline, than to reduce or eliminate them: the taxation increase, the budgetary expenditure reduction, the maintenance of the monetary restrictions are contrary to the policies to support the economic growth. These measures of restrictive economic policy will have the expected effects (reducing the budget deficit, the external balance of payments deficit) if accompanied by structural reforms to improve the real competitiveness of the economy, to facilitate the access to the sale markets for the domestic producers, through the support of the development thereof and the implantation thereof on the markets, through strong measures to eliminate the subterranean economy. Moreover, it is currently felt the lack of liquidities in the economy, which entails the need to recapitalize the production national systems by the punctual and timely intervention of the state. This approach is not to please the IMF, as the institution promotes liberal policies, in the view thereof, the state has the role to improve the economic practices with measures pertaining to the equilibrium of the national economy balance.

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CONSIDERATIONS ON THE POLITICAL REGIME IN ROMANIA

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Abstract:

Supported since ancient times, the need for change of regime that violates the most basic rights of people nowadays become possible now become possible due to the transformations that modern society lives by imposing a universal legal order, the principle of legality and equality of men are enshrined in international treaties and constitutions of each state. The right to participate in political life of states in decision making right to vote and to be elected institutions representing state power, regardless of gender or wealth is now everyday realities whose lack would be unthinkable, but once seemed only a utopia for most people.

Keywords:

State, political regime, fundamental rights, democracy, dictatorship

1. Introduction.

The existence of the rule of law, governed by democratic laws and correct hierarchy of normative and rule of law, law-making opportunity (based on vital interests of citizens), the existence and rights and freedoms, equality before the law between civil servants (regardless of held position) that represents the state and private citizens are the coordinates after that is built today's society, a society in which every person can hear the word in modern media and every opinion can and shared with others.

Therefore the existence of a united Europe of 28 (the accession of Croatia in 2013) or 29 (by admitting Turkey or Serbia) must become the common concern of all Member States, which must overcome pride and national interest to achieve the most beautiful dream of thousands of generations of

people who have sacrificed their lives on the altar of this dream, and perhaps the most important obstacle to be passed is just the adoption of a European constitution that reflects a common European identity of all persons living on this beautiful continent.

2. Political regime.

Political regime refers to all the methods and principles of making the state power and state leadership, in close connection with the situation of the rights and obligations of citizens and their ability to induce or influence state policy through their participation in decision making. The most famous being the democratic political regimes and dictatorship.

Known during the Greek city-states (polis's) democratic political system presupposes the existence of conditions, both material and political and legal, to

enable citizens' participation in political life by exercising control over how are elected and operate institutions (Rădulescu, Duță, 2013).

Democratic regime is characterized by:

- ✓ separation of powers (legislative, consisting of the Parliament, executive, consisting of government and the President, the judiciary consisting of courts of law and informally consisting of media-print, radio and television);
- ✓ political parties created by the citizens as a means of expressing political views and free elections open to any party or political alliance with fascist or communist except:
- ✓ fundamental rights of citizens, essential to life, freedom and dignity for the free and full development of human personality, which are grouped into:
- ✓ Romanian citizens have equal rights under art. 16 of the Constitution which states that "all citizens are equal before the law and public authorities, without any privilege or discrimination", one being above the law, regardless of gender, religion, age, nationality, skin color, etc.
- ✓ social and political rights and freedoms including the rights and personal freedoms (right to life, to physical and mental integrity, defense, inviolability of the home or the free movement), democratic rights and freedoms (freedom of conscience, choice of religion, expression and free access to information) and political rights and freedoms (the right to vote and to be elected, and freedom of assembly).
- ✓ socio-economic rights that relate to the right to work and social protection of employees work, the

right to inheritance, the right to education and right to health.

- ✓ rights-guarantees unhindered exercise of other rights and freedoms: right to petition, right of persons injured by the public authorities to obtain repairs and existence of the "People's Advocate" called upon to provide "defense of their rights and freedoms" (Article 58 -60 of the Constitution).

By way of making democracy democratic regimes can be divided into: direct democracy (in which the people exercise direct and immediate power of state and head of state, existing in ancient society where in the city-fortress polis sites, free men gathered in the town square and decide the fate of the entire city) and indirect democracy (in which the people exercise state power and state leadership by elected representatives at the forefront of state institutions, as in modern society through parliamentary elections and the exercise by this legislative power).

In turn dictatorial regime is characterized:

- ✓ the absence of both the material and political and legal, the conditions to enable citizens' participation in political life by exercising control over how they are elected and operate state institutions;
- ✓ by conducting state by a dictator or a small group of people who arrogates popular meanings (declaring himself "*son of the people*" or "*the beloved son of the people*"), and came to power, in principle, by means of a revolution;
- ✓ the existence of a single political party and repressive structures (like security) called to find those who disagree with the policy of the party

or not its members – *In the Socialist Republic of Romania leading political force of the whole society is the Romanian Communist Party. All the strength in R.S.R. belongs to the people, free and master of his fate. Power to the people is based on the worker-peasant alliance. In close union, the working class - the ruling class in society, the peasantry, the intelligentsia, the other categories of working people, irrespective of nationality, build socialist system, creating the transition to communism.*

- ✓ the absence of a genuine separation of powers, both members of the legislative power (Members of the Grand National Assembly) and of the executive (consisting of the Council of Ministers and the President) and those in the judiciary (judges and prosecutors) are members of the party unique and therefore required to follow and comply with the Party and not of the laws (which are all creations Party).
- ✓ the absence of civil rights, a free media and free from any form of censorship, access to leadership positions without fulfilling even one of the two major conditions required to promote: party membership and membership repressive structures and by destroying all forms of religion, the demolition of churches, condemning priests and falsification of history of the nation.

Today dictatorial regimes appear as fascist or neo-fascist regimes, of the communist and those that are found in some countries in the Arab world. Indicating that the population views / perceptions are divided as to Romania 21 years after the Revolution of 1989, opinions about Nicolae Ceausescu are

contradictory, as evidenced by the following comments posted, anonymously on a Evenimentul Zilei newspaper website in 2006:

"I do not see anything wrong" by Calin (c. n@yahoo.com) 2006-12-21 22:42:37 "I see nothing wrong with the sprijinii Ceausescu after 17 years of theft, lies and humiliation all covered by the mantle of democracy and capitalism. At that time at least I was not on the list of countries indebted, were independent, we could plan our future was shortage of food, but it was not hunger, the value was better rewarded, children can play quietly on the street, myriad resort rest was full, home was not a problem. "

Unlike "Life Under Ceausescu" by vlad I () 2006-12-21 23:20:57 "Who lived Ceausescu remembers a life of poverty, especially in the last years before the revolution. Lacked almost everything on the card had bread, oil, flour, cornmeal, rice. I stood in line for almost anything, potatoes, onions, meat, eggs, cheese, butter, coffee, toilet paper, light bulbs, and batteries. A part of the population endures long cold winter houses, and power in the province stopped several hours a day. On TV showed aberrations of our lives super (working with happy people gain) and the gains of socialism ".

Or The Seven Wonders of Communism:

1. Everybody had a job.
2. Although everyone had work, no one working.
3. While no one worked, the plan was made 100%.
4. Although the plan was made, you could not buy anything.
5. Although it found nothing, everyone had everything.
6. Although everyone had everything, all were stealing.
7. Although all stealing, never missing anything!

3. Romanian leaders.

History of Romanian monarchs they dominated the family of Hohenzollern-Sigmaringen, starting from 1866 when, after the abdication of Alexandru Ioan Cuza, Romania's throne brought a foreign prince, according to an old desire of ad hoc Divans (Radulescu, 2013).

The first king of Romania is Carol I (Karl Eitel Friedrich Ludwig von Hohenzollern-Sigmaringen, 1839-1914) who reigned from 1866 to 1914, was crowned King of Romania in 1881.

King Carol I was married, in 1869 with Queen Elizabeth (Pauline Elisabeth Ottilie Luise zu Wied, known as Carmen Silva, 1843-1916) which had a child who dies early on, so that the Romanian throne following the second born male line, his brother, Ferdinand. King Ferdinand (Ferdinand Viktor Albert Meinrad von Hohenzollern-Sigmaringen, 1865-1927) was King of Romania from 1914 to 1927, was crowned in 1922 and married in 1892, the Queen Mary (Marie Alexandra Victoria of Saxe-Coburg House and Gotha, 1875-1938), with whom he had 6 children.

His first born, Carol von Hohenzollern-Sigmaringen Caraiman (1893-1953), was crowned King Carol II of Romania between 1930-1940 and was married 3 times (in addition to numerous other media and contemporary adventures and attributed them), but only the second marriage ended in Athens, Greece, in 1921 (and which lasted until 1928), with Regina (Mother) Elena (1896-1982), Princess of Greece and Denmark was accepted by the Romanian royal house. In fact the only child resulting from the marriage, Michael, was his successor to the throne of Romania.

Carol II, known especially for highly turbulent love life, he married the first time in Odessa in Ukraine today, in 1918, Maria Valentina Ioana (Zizi) Rangabe-Lambrino from a Byzantine dynasty, (daughter of a Romanian general) but the marriage was annulled in 1919 by royal decree (after the Church and the Court of Appeal refused this), that complies with the rules of succession has not had the Romanian royal family.

From this marriage resulted in a son, Carol Mircea Grigore Lambrino, called himself Prince Carol of Romania (1920-2006) and led a "struggle" for recognition prolonged court belonging to the Hohenzollern family, receiving the right to use that name in 2003, without you recognize the "*right of succession*", he is not considered the legal heir to the throne of Romania.

Lambrino Carol was married 3 times and had 2 children, the first born Paul Philip Lambrino, also known as Paul of Romania (b. 1948, Paris, France) continue the "fight" his father recognition belonging to the family Romanian royal.

Last marriage of King Carol II (nicknamed King "Playboy" takes place in 1947 with Elena Lupescu (known as "Magda Lupescu" 1895-1977), daughter of Nicolas Grünberg (a pharmacist Jew who adopted the name Nicolae Lupescu), a controversial figure of his time. After his death in Portugal (the country of "adoption") in 1953, Charles II was brought to Curtea de Arges (after the Revolution of 1989, in 2003), where the Romanian royal family tombs.

Michael von Hohenzollern-Sigmaringen (b. 1921) became King of Romania, in two stages (taking advantage of the

waiver to the throne of his father in 1925 and in 1940) between 1927 and 1930 (under the regency consists of Patriarch Miron Cristea, Prince Nicholas and Gheorghe Buzdugan, President of the Court of Cassation, because he was a minor) and from 1940 until 1947 when the communists forced him to abdicate the throne of Romania and leave the country, exiling himself in Versoix, Switzerland, from where he will return to Romania in 1997. King Michael is married, in 1948, with Anne of Bourbon-Parma (b. 1923), with which it has with 5 girls, of which only 4 are eligible to the throne of Romania.

Princess Margaret (born 1949, Lausanne, Switzerland) is married to actor Radu Duda 1996 (now Special Representative of the Romanian Government) and graduated from Edinburgh University with majors in medical sociology and health policy. Until 1989 he worked in institutions coordinated by WHO and the UN, for then to establish a foundation which aims to help children and the elderly.

Princess Elena (b. 1950) was married from 1983-1991 to Robin Leslie doctor Medforth-Mills, with whom he had two children: Nicholas Michael and Elizabeth Karina. Elena remarried in 1998, with Alexander Philips Nixon McAteer.

Princess Irene (born 1953) married with John Krueger, whom he divorced after having two children: Michael Torsten and Angelica Margareta Bianca.

Princess Sofia (born 1957, born in Greece) was married, and later divorced, and have a daughter, Elizabeth, Maria Bianca Elena.

Princess Maria (b. 1964), is no longer eligible because between 1995 and 2003

was married, with a Polish Roman Catholic, Casimir Mystkowski, even had no children.

As the leaders after the abdication of King Michael of Romania they were Constantin Ion Parhon (1874-1969), Chairman of the Presidium of the Grand National Assembly of Romanian People's Republic between 1948 and 1952. Petru Groza (1884-1958), Chairman of the Presidium of the National Assembly of the Romanian People's Republic between 1952 and 1958 and prime minister in the first communist government between 1945 and 1952.

Ion Gheorghe Maurer (1902-2000), Chairman of the Presidium of the National Assembly of the Romanian People's Republic from 1958 to 1961 and Prime Minister between 1961 and 1974.

Gheorghe Gheorghiu-Dej (1901-1965), Secretary General of the Romanian Communist Party from 1944 to 1965, President of the State Council of the Romanian People's Republic between 1961 and 1965 and Prime Minister from 1952 to 1955.

Chivu Stoica (1908-1975), President of the State Council of the Romanian Socialist Republic from 1965 to 1967 and Prime Minister between 1955 and 1961.

Nicolae Ceausescu (1918-1989), Secretary General of the Romanian Communist Party from 1965 to 1989 and Chairman of the State Council of Romanian Socialist Republic of 1967 to 1974, because that year to establish the position of President of the Romanian Socialist Republic, the function which will occupy almost to his death in 1989.

Ion Iliescu (born 1930), Chairman (NSF) Romania mandates (1989-1990/1990-1992), 1992-1996 and 2000-2004.

Emil Constantinescu (b. 1939), President of Romania for a period between 1996 and 2000.

Traian Băsescu (born 1951), President of Romania for 2 terms (2004-2009) and from 2009 to present (next election to be held in 2014), indicating that the period when he was suspended between April 20, 2007 and 23 May 2007 state leadership was provided by Nicolae Vacaroiu (b. 1943, Prime Minister between 1992 and 1996) as Interim President.

During the period when he was suspended a second time between 10 July 2012 and 27 August 2012 the state leadership was provided by George Crin Laurentiu Antonescu (b. 1959)

4. Conclusions

Do not forget that all these changes would not have happened if the man had not been aware of its role in society and even the universe, if it had not understood the immense responsibility that weigh on his shoulders.

In the "*Treaty of tolerance*" Voltaire wrote, "*O thou God of all beings, of all the worlds and all times, do (...) that small differences between our garments among our inadequate languages among our ridiculous customs, between our laws imperfect, between our views with respect between our conditions, so disproportionate to our eyes and so perfect in your eyes, so do all the little nuances that distinguish atoms called people do not become exhortations to hatred and persecution.*"

Since then more than two hundred years, but the prayer of the philosopher of the Enlightenment never lost throughout human history, none of its actuality

(Mayor, 1995). Although mankind has gone through two world wars very destructive (as shown in The Convention started in London because of "prejudice against democratic ideals of dignity, equality and respect of the human person and the willingness to substitute, exploiting the ignorance and prejudice, dogma breeds inequality and people") more strongly feel temptations closure itself, the forms of rejection, exclusion and other individual existence ("every man for himself") far more than the Christian ideal of love others and the idea of responsibility.

More wind of freedom that struck in 1989 leading to the overthrow of the dictatorial regimes in Eastern Europe and the collapse of the Berlin Wall has brought, as everyone hopes, a redefinition of man to learn to live in harmony, but also exacerbation nationalism, racial prejudices escalate renaissance revival of anti-Semitism and hatred of others. The idea that there are equal rights for all human beings and freedoms for all is ultimately an idea of modern times.

Today, all over the planet, whatever the characteristics of each culture, human rights are part of the common heritage of humanity and the foundation of solidarity is a prerequisite for achieving individual destiny in accordance with the needs of others, of those disadvantaged populations lack of rural opportunities and resources of larger cities or and especially women who are often subject to discrimination and intolerable upon whom the burden of secular traditions.

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THE RIGHT TO LIFE – A FUNDAMENTAL HUMAN RIGHT

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Abstract:

The right to life belongs to the category of human rights, which are inalienable and imprescriptible rights which are inherent to all human beings. By virtue of the right to life, any human being enjoys all the other rights prescribed and guaranteed by the constitution and by the international documents. In The Universal Declaration of Human Rights, the most important document adopted by the General Assembly of the United Nations shortly after the end of the Second World War, it is stipulated that “Everyone has the right to life, liberty and security of person”(art. 3). The enshrinement of the right to life in the Constitution, the fundamental law of the state, confers a fundamental character as it is the core of the fundamental human rights.

Introduction

In general, human rights are defined as “the prerogatives conferred in the domestic law and which are recognized by the international law to each individual, in his relation with the community and the state, which express the fundamental social values and are meant to satisfy the essential human needs and lawful endeavours, in the economic, social, political, cultural and historical context of a certain society” (Nastase, 1992).

Human rights are a constant concern for the international community, which materialised in numerous legal instruments adopted both at a global, and a regional level over the years.

The expression human rights refers to the inalienable and imprescriptible rights of the human being.

From the wide sphere of the rights a person has, it is only certain rights which are fundamental. The distinction between fundamental rights and the other subjective rights is done according to two criteria: a) their importance for the individual, the citizen and b) their importance for the state. Thus, we could say that fundamental rights are those subjective rights which belong to the citizens and are essential for their life, liberty, dignity and freedom, indispensable for the free development of human personality, the rights which are enshrined in the Constitution and are warranted by the Constitution and the laws (Muraru, 1995).

The right to life belongs to the category of fundamental rights and, from a historical perspective, it is one of the first

rights proclaimed and enshrined in international law.

International law

The first document adopted by the General Assembly of the United Nations, shortly after the end of the Second World War, is The Universal Declaration of Human Rights¹ which proclaims that all human beings are born free and equal in dignity and rights (art. 1). It is thus established a common ideal that is to be accomplished by all the states in the world.

The Universal Declaration of Human Rights gives a new sense, and a particular force to human rights, and, moreover, to their legal protection. The Universal Declaration of Human Rights speaks about a common conception, a common ideal. The Universal Declaration of Human Rights has rallied and engaged the international community since. By means of this Declaration, the proclamation and guarantee of human liberties emerge from the narrow frontiers of the state, and become a problem of the international community, a problem for the whole world (Muraru, 1994).

With regard to the right to life, in the Declaration, it is noted that everyone has the right to life, liberty and security of person (art. 3), and the International Covenant on Civil and Political Rights² contains provisions with regard to the right to life, prohibition of torture,

slavery, the right to freedom and personal security, as well as other rights and liberties.

The UN General Assembly adopted, in 1989, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, considering that these provisions would "contribute to enhancement of human dignity and progressive development of human rights".

Article 2 of this Protocol provides for the only exception allowed, which is "the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime", if a reservation was made at the time of ratification or accession.

Other international documents meant to enshrine and ensure the protection of the right to life were adopted by the states, of which we wish to mention Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the UN General Assembly on 9 December 1948 and which entered into force on 12 January 1951.

This document declares that genocide is a crime against humanity, and it is defined, in art. II, as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e)

¹ The Universal Declaration of Human Rights was adopted by the UN General Assembly on 10 December 1948.

² The Covenant was adopted by the UN General Assembly on 16 December 1966 and it entered into force on 23 March 1976.

Forcibly transferring children of the group to another group.”

The Convention stipulates that not only the acts of genocide are to be punished, but also the conspiracy; the direct and public incitement and the attempt to commit genocide, as well as the complicity in genocide.

Another important document is the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, which was adopted by the UN General Assembly on 26 November 1968 and entered into force on 11 November 1970. This Convention declares that war crimes and crimes against humanity are imprescriptible, as they are among the gravest crimes in international law.

The International Convention on the Suppression and Punishment of the Crime of *Apartheid* was adopted by the UN General Assembly on 30 November 1973 and entered into force on 18 July 1976. This convention declares that the apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, are crimes violating the principles of international law, and organisations, institutions and persons that commit such acts are to be considered criminal. The states parties to this convention engage to take the necessary measures in order to prevent the enactment of such acts and to punish those who are guilty of such acts.

Another instrument of utmost importance is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

which was adopted by the UN General Assembly on 10 December 1984. The Convention establishes a series of obligations on behalf of the states parties: to forbid and punish the commitment of acts of tortures and the complicity to the enactment of such acts, to punish those who do such acts and to extradite them, accordingly.

At an European level, one of the most important documents adopted is the European Convention on Human Rights and Fundamental Freedoms³, a treaty by virtue of which the signatory states intended to protect the fundamental rights and liberties enshrined in the Universal Declaration on Human Rights, as approved by the UN General Assembly on 10 December 1948.

According to article 2, alignment 1 of the European Convention, the right to life of everyone is protected by the law. Further on, with regard to the sentence to death, the Convention establishes the situation in which the right to life can be attained as a result of the execution of a capital sentence of a court following the conviction of a crime for which this penalty is provided by law.

In the 2nd alignment of the same article, it is stipulated that „Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary: (a) in

³ Adopted in Rome, in the year 1950, and entered into force on 3 September 1953, the Convention was elaborated by the Council of Europe, ratified by all member states and establishes a control mechanism on human rights for the signatory states. Over the years, it was completed with 13 additional protocols and it became a part of the legal system of most of the states party to the Convention.

defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection". In article 3, it is provided that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

The abolishment of the death penalty is definitely made by means of the Protocole no. 6 to the Convention, which establishes in its article 1 that: „The death penalty shall be abolished. No-one shall be condemned to such penalty or executed." Article 3 stipulates an exception: "A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law."

Subsequently, on 3 May 2002, in Vilnius, the Member States of the Council of Europe elaborated the Protocol no. 13⁴ to the European Convention on Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances, as an expression of their conviction that everyone's right to life, as mentioned in the Preamble, is a basic value in a democratic society and that the abolition of the death penalty is essential for the protection of this right and for the full

recognition of the inherent dignity of all human beings, wishing to strengthen the protection of the right to life guaranteed by the Convention, and noting that Protocol No. 6 to the Convention, concerning the Abolition of the Death Penalty, signed at Strasbourg on 28 April 1983, did not exclude the death penalty in respect of acts committed in time of war or of imminent threat of war.

Thus, in article 1 of the Protocole, it is stipulated that „The death penalty shall be abolished. No one shall be condemned to such penalty or executed." In the next article, it is specified that no derogation from the provisions of this Protocol shall be made under Article 15 of the Convention. The Convention also stipulates in article 3 that "No reservation may be made under Article 57 of the Convention in respect of the provisions of this Protocol."

The Charter of Fundamental Rights of the European Union disposes, in article 2, that "Everyone has the right to life. No one shall be condemned to the death penalty, or executed."

The right to life – a Constitutional right

Every Constitution of the world includes fundamental rules and principles which are essential for the society and for the citizen, including those regarding to the fundamental human rights and freedoms. The centre of these rights and freedoms is the right to life, an absolute right of every human being.

By virtue of the right to life, individuals rejoice all the other rights and freedoms, as stipulated and warranted by the fundamental law. Their enshrinement in the Constitution is the proof of the fact that the fundamental right to life is

⁴ The Protocol was opened for signature on the same day. Romania ratified this Protocol by the Law no. 7/2003, published in the Official Journal of Romania, Part I, no. 27 of 20 January 2003.

protected by the state by means of specific mechanisms.

The protection of the right to life compels states⁵ not only to refrain from the intentional causation of death of a person, but also inflicts the positive obligation to take appropriate measures in order to ensure the effective protection of the life of every human being.

The Constitution of Romania, in article 22 alignment 1, disposes that „the right to life, as well as the right to physical and psychical integrity of the person are guaranteed”⁶, and, in alignment 2, it is indicated that „no one can be subject to torture or any other punishment or inhuman or degrading treatment. Any act that touches upon the right to life is incriminated, according to the dispositions of the penal law.

Furthermore, in alignment 3 of the same article, it is provided that the death penalty is forbidden. This disposition is absolute, as there is no exception admitted.

An important principle enshrined in the Romanian Constitution, in article 20, is the priority of the international law, according to which constitutional

dispositions concerning citizens' rights and liberties will be interpreted and enforced in agreement with the Universal Declaration on Human Rights, with the covenants and other treaties Romania is a party to.

The above mentioned disposition enshrines, with regard to human rights, the rule regarding the priority of international law in its relation with domestic law.

As a result of the constitutional reform in 2003, the Constitution was amended, an exception to the rule being established: when any inconsistencies exist between the covenants and treaties on the fundamental rights Romania is a party to, and the national laws, the internal regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions.

Thus, if there are inconsistencies between the pact and treaties concerning the fundamental human rights to which Romania is a part of, and the internal laws, the international regulations prevail, except when domestic laws provide for more favourable dispositions

Conclusions

Compliance with the fundamental rights and freedoms is one of the most important problems of the new international order.

As the Preamble to the Universal Declaration on Human Rights highlights *recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*

Generally, Conventions are not destined to replace the domestic systems of protection of human rights, but to

⁵ European Commission on Human Rights, *Widmer vs. Switzerland* Decision of 10.02.1993, *The constitutional right to life and the Penal Code* - <http://comparat.tripod.com/articolero/viata.pdf>

⁶ In Romania, the death penalty was abolished by the Decree-law no. 6/1990. This Decree substituted the death penalty, which was previously provided for certain infractions in the Penal Code and special laws. “The interdiction to apply the death penalty allowed Romania to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolishment of the death penalty (by the Law no 7/1991, published in the Official Journal no. 18 of 26 January 1991.)”- M. Bădescu, *Constitutional Law and Political Institutions*, Univesul Juridic Publishing House, Bucharest, 2012, p. 120

establish an international guarantee, so that human rights protection is done effectively at a national level. "It's neither by the violence of weapons, nor by the dictatorship of economy that we will make the world progress toward a more lawful international order, but by the emergence and the recognition of an universal international law, and by its most necessary and natural prolongation: an universal justice" (Leclerc, 1997). Unfortunately, in the past few years, we assisted at a series of cases of infringement of these rights, most of them being the performed by the authorities of the state, as it can be

noticed in the numerous complaints addressed to the European Court on Human Rights. An important role in this sombre statistics is played by the causes in which the right to life was violated.

In order to ensure an effective protection, and, also, in order to reduce all facts that could lead to the violation of the right to life, states, the only entities having the appropriate means to do it, should reconsider this policy and should adopt efficient means of protection of this right. If these lack, the right to life remains a mere abstract theory in many cases.

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