

The Standardized and Uncontroversial “Administrative” Approach to Judging Contravention Complaints, Invalidated by Decision No. 404/2022 of the Constitutional Court of Romania

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Motto: *"No changes should be made to a law without good reason. In framing laws, care must be taken that they do not disturb the nature of things."* Montesquieu

Abstract

The aim of this study - occasioned by the Romanian Constitutional (RCC) Decision. No. 404 of September 21, 2022, we bring back into discussion the obligation of the legislative forum not to ignore the principle of the security of legal relations in the component related to the clarity, accessibility, and predictability of the law. The legislative proposal for the amendment and completion of Government Ordinance (GO) no. 2/2001 on the legal regime of contraventions (PLx 598/2021) - based on the standardization of the contravention procedure and the introduction of the written procedure, in the council chamber, with the removal of the subpoena of the parties, in the case of specific complaints, in order to make justice more efficient. The opinions of the Legislative Council and the Superior Council of the Magistracy are observed and analyzed - through the lens of its considerations and effects, RCC Decision no. 404/2022 by which the notification of unconstitutionality formulated by the People's Advocate was admitted. It is argued that the fundamental mission of justice as an act of judicial justice and as a public service cannot be subordinated to a purely administrative approach, which abandons the requirements of the rule of law and mutilates the right to a fair trial. Considering the many changes and additions to GO no. 2/2002, respectively attempts to change invalidated by the administrative litigation court, we conclude with the observation that legislation for the sake of legislation is a practice that must be abandoned, the need to adopt a Contraventional Code being brought back into discussion.

Keywords: Constitutional Court of Romania, administrative law, contravention complaints, legislative process.

JEL Classification: K23, K41

1. Why this theme? Brief introductory remarks

This article was inspired by a recent decision of the Romanian Constitutional Court (CCR) - Decision no. 404 of 21 September 2022², by which the Law amending and supplementing Government Ordinance no. 2/2001 on the legal regime of contraventions (PL-x no.589/2021), which regulated a special, derogatory procedure for the hearing of appeals against penalties of a warning or a fine of a reduced amount, was declared unconstitutional.

The Government Ordinance (O.G) no.2/2001 on the legal regime of contraventions³ - normative act that regulates the common framework of contraventions, contains both substantive rules - concerning the institution of the contravention, sanctions, etc. - and procedural rules concerning the drawing up of the acts, the appeal procedures and the execution of contravention sanctions.

Approved with amendments and additions by Law no. 180/2002⁴, O.G. no.2/2001 has undergone over time numerous legislative interventions, either in response to the changing social

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² Unpublished, available on the website https://www.ccr.ro/wp-content/uploads/2022/11/Decizie_404_2022.pdf, consulted on 11.11.2022.

³ Published in Official Gazette no. 410 of July 25, 2001.

⁴ Published in Official Gazette no. 268 of April 22, 2002

realities⁵, but also to bring some of its provisions - declared unconstitutional, with the CCR decisions⁶.

There has also been a proposal to amend and supplement O.G. no. 2/2021 (e. g. PL x no. 521/2021⁷) transposed into law, which was challenged before the Constitutional Court before promulgation and did not pass the constitutionality test⁸.

The legislative proposal to amend and complete the O.G. no.2/2001 on the legal regime of contraventions (PL x no.589/2021) was initiated - as it appears from the explanatory memorandum - out of the desire to "support judges who resolve contravention complaints against the official reports concluded by the investigating officers" and "to improve the legal framework of the legal regime of contraventions".

The French doctrine emphasises that legislative policy (or substantive lawmaking) is concerned with devising the aims and means of legislative action by discerning what is desirable from what is possible⁹.

Material lawmaking, legislative technique and formal lawmaking are notions which - without being confused - interfere with each other and constitute prerequisites for the quality of the law. Or, in other words, the articulation of social reality with legislative technique and legislative procedure is the cornerstone of the quality of the law, on which the dispensation of justice largely depends.

In the same terms, G. Mârzescu¹⁰, in his speech - delivered in the Chamber of Deputies, at the presentation of the draft law on the establishment of the Legislative Council, stated that "Legislating, i.e. the work of drafting laws, of formulating and drafting legislative solutions requires, in truth, a legislative policy, a legal technique, a legislative technology and, in all cases, knowledge of extra-judicial practice and jurisprudence, of comparative law, of the scientific progress made by doctrine, of the history of law and institutions, of the psychology of the people, of the political organisation and the economic and social structure of the country."¹¹

As we have already stated¹², justice - as a public service - cannot be made more efficient by "forcing" procedures, ignoring the principle of legality, free access to justice, the right of defence and the right to a fair trial.

2. Some observations drawn from monitoring the legislative process

The legislative proposal - initiated by a group of 9 PNL deputies, was registered at the Permanent Bureau of the Chamber of Deputies, under no. 423/6.09.2021, although - according to the

⁵ For example, changes brought by: Government Emergency Ordinance no. 108/2003 for the abolition of the contravention prison, published in the Official Gazette no. 747 of October 26, 2003; Law no. 76/2012 for the implementation of Law no. 134/2010 regarding the Code of Civil Procedure, published in the Official Gazette no. 365 of May 3, 2012; Government Ordinance no. 5/2015 for the modification of some terms provided for by Government Ordinance no. 2/2001, published in the Official Gazette no. 78 of January 22, 2014, Law no. 203/2018 on measures to streamline the payment of contravention fines, published in the Official Gazette no. 647 of July 25, 2018.

⁶ Decision no. 228/2007 regarding the exception of unconstitutionality of the provisions of art. 12 para. (1) from Government Ordinance No. 2/2001, published in the Official Gazette no. 283 of April 27, 2007; Decision no. 1354/2008 regarding the admission of the exception of unconstitutionality of the provisions of art. 9 para. (5) from Government Ordinance no. 2/2001 regarding the legal regime of contraventions, as well as art. 1 paragraph (3), art. 8 para. (5) lit. b) and art. 13 of Government Ordinance no. 55/2002 regarding the legal regime of sanctioning the provision of an activity for the benefit of the community, as amended by the Government's Emergency Ordinance no. 108/2003 regarding the abolition of the contravention prison, published in the Official Gazette no. 887 of December 29, 2008.

⁷ Available on the website https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=19400, consulted on 11.11.2022.

⁸ Decision no. 19 of January 26, 2022 on the objection of unconstitutionality of the Law to supplement Government Ordinance no. 2/2001 regarding the legal regime of contraventions Published in the Official Gazette no. 183 of 24.02.2022.

⁹ Gérard Connu, *Vocabulaire juridique*, Paris, Presses Universitaires de France, 1996, p. 483 *apud* I. Flămânzeanu, *Elaborarea dreptului cu privire specială asupra legisticii formale*, in „Studii de Drept Românesc”, year 21 (54), no. 1, January–March 2009, p.32

¹⁰ George G. Mârzescu (July 4, 1876-May 12, 1926), Romanian politician and jurist, minister in several liberal governments, whose name is associated with the establishment of the first Legislative Council - organized as a distinct institution of the state, by Law no. 20/ 1925 (Mârzescu Law).

¹¹ V. Dorneanu, S. Popescu, I. Mrejeru, V. Țândăreanu, T. Prelipceanu, *Consiliul Legislativ, Tradiție și modernitate 1926-2001*, Ed. Lumina Lex, Bucharest, 2000, p. 70; Valer Dorneanu, *Consiliul Legislativ la 25 de ani de existență, dovadă vie și elocventă a necesității, utilității și importanței sale*, in „Buletin de Informare legislativă” no. 2/2021, p.17.

¹² See Anca-Jeanina Niță, *Unele considerații cu privire la propunerea legislativă pentru modificarea art. 425 alin. (1) lit. b) din Codul de procedură civilă. „Eficientizarea justiției” versus „siluirea motivării hotărârii judecătorești*, in „Revista Universul Juridic” no. 2/2022.

provisions of Article 75 paragraph 1 of the Constitution, the first Chamber to be seized was the Senate.

According to the proposal, Government Ordinance No. 2/2001 is supplemented by introducing Chapter IV¹ - Appeals against the sanction of a warning or a fine of a reduced amount, which regulates a special, simplified procedure for appealing against the minutes of proceedings imposing the sanction of a warning or a fine not exceeding 10,000 lei.

The Legislative Council gave a negative opinion on the legislative proposal. In the opinion no. 846/12.10.2021, it is pointed out that although the Constitutional Court - by Decision no. 389/2020, ruled that, in civil matters, "as a matter of principle, the legislator may establish a special procedure for judging claims that can be assessed in money as an alternative to the ordinary law procedure, using as a criterion the low value of the claim (...), in regulating a similar procedure in contravention matters, the legislator must take into account the particularities of contravention penalties, the fact that the contravention legislation in Romania falls under Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms". In this respect, the opinion refers to the relevant case law of the ECHR and the Constitutional Court.

The Superior Council of Magistracy by address no.18347/29.10.2021, communicated a negative point of view, arguing in essence, that the legislative proposal cannot be adopted in the form submitted, as it does not ensure the requirements resulting from the ECHR case law regarding a fair trial, and does not comply with the rules of legislative technique, being ignored the imperative requirement regulated by art. 7 paragraph 3¹ of Law no.24/2000 R.

Forwarded to the Senate - for debate and adoption, the legislative proposal was rejected in the Chamber of Reflection on 22 November 2021 and submitted for debate and adoption to the Chamber of Deputies, as the decision-making body.

The Committee on Legal Affairs, Discipline and Immunities of the Chamber of Deputies, having been seized for debate on the legislative proposal for amending and supplementing the Legislative Decree no. 2/2001 on the legal regime of contraventions (PL x no.589/2021), following the debates of 8 March 2021, decided to submit to the plenary of the Chamber of Deputies the adoption of the proposal, with the amendments set out in the Annex integral part of the Report, submitted to the Permanent Bureau. The only substantive amendment concerned the amount of the fine, the simplified procedure being applicable to the minutes of proceedings in which a fine not exceeding 3,000 lei was imposed.

On 23 March 2022, the Chamber of Deputies, with an overwhelming majority¹³, adopted the Law amending and supplementing the OG no.2/2001 on the legal regime of contraventions.

Submitted to the Secretary General for the exercise of the right of referral on constitutionality on 28 March 2022, the Law was forwarded to the President of Romania for promulgation on 2 April 2022.

Before promulgation, the People's Advocate, in accordance with the provisions of Article 146 letter a) of the Constitution and Article 15 paragraph 1 letter h) of Law no.35/1997R, referred to the CCR the objection of unconstitutionality of the provisions of the law, on the following grounds: a) disregard of the provisions of Article 1 paragraph 5 of the Constitution - lack of predictability and clarity of the legal norm; b) infringement of the freedom of access to justice (Article 21 paragraphs 1 and 2 of the Constitution); c) infringement of the right to a fair trial and the right of defence (Article 21 paragraphs 3 and 24 of the Constitution).

3. Decision no. 404 of 21 September 2022 on the objection of unconstitutionality of the Law for amending and supplementing Government Ordinance no. 2/2001 on the legal regime of contraventions. Arguments of the Court and effects of the Decision

3.1. The Court's solution and arguments

The Court - after going through the procedural steps provided for by Law no. 47/1992 and

¹³ Result vote for = 243, against = 38, abstentions = 1, did not vote -1.

developed in the Rules of Organization and Functioning of the Constitutional Court, approved by Decision no. 6 of 7 March 2012¹⁴ - examining the complaint of unconstitutionality and the criticized provisions, by unanimity of votes, admitted the objection of unconstitutionality raised by the People's Advocate and found that the Law amending and supplementing Government Ordinance no.2/2001 on the legal regime of contraventions is unconstitutional.

In the recitals of the Decision - to which the power of *res judicata* is attached, as an expression of the specific effect of the Constitutional Court's decisions, "designed to bring to the attention of the public authorities involved in the law-making process the question of the effectiveness of constitutional justice"¹⁵, the constitutional judges ruled that:

- article I¹⁶ of the contested law - with reference to the insertion of Articles 36¹ and 36² in Government Ordinance No. 2/2001 - is unconstitutional, since it contravenes Article 1(5) of the Constitution, in its component relating to the clarity, accessibility and predictability of the law, and Article 21 of the Constitution. Article II, which provides that the forms introduced shall be approved by order of the Minister of Justice, and Article III, which provides for the republication in the Official Gazette of Romania, Part I, of Government Ordinance No. 2/2001, as amended by the contested law, remain without subject-matter (paragraphs 59 and 60).

In order to reach this conclusion, the Court - before proceeding to the analysis of the criticisms of unconstitutionality made by the Ombudsman, examined the scope of the law under criticism, noting that:

- in fact, Government Ordinance no.2/2001 is supplemented by introducing Chapter IV¹ - Appeals against the sanction of a warning or a fine of a reduced amount, which regulates a special, simplified procedure for contesting the minutes of proceedings imposing the sanction of a warning or a fine not exceeding 3,000 lei (para.30)

- where the contested sanction is a warning or a fine not exceeding 3,000 lei, the complainant has at his disposal only the special, simplified, written procedure governed by the provisions under challenge, and cannot choose, under the law under challenge, between that procedure and the ordinary procedure provided for in Chapter IV - Appeals (Articles 31-36) of Government Ordinance No. 2/2001 (paragraph 35).

Examining in detail the provisions of the contested law from the point of view of the fulfilment of the requirements of clarity of the law and reiterating its case-law on the subject, as well as the

¹⁴ Published in the Official Gazette no. 198 of March 27, 2012.

¹⁵ T. Toader, M. Safta, *Dialogul judecătorilor constituționali*, Ed. Universul Juridic, Bucharest, 2015, p. 42.

¹⁶ Art. I of the law subject to constitutionality control contains the following provisions: 1) when the contested sanction is a warning or a fine that does not exceed the amount of 3,000 lei, the petitioner is obliged to complete the contravention complaint form; 2) along with the complaint form against the record of finding and application of the sanction, copies of the documents that the violator agrees to use and the evidence that the petitioner agrees to use are also submitted or sent; 3) if the information provided by the offender or, as the case may be, by the person who made the complaint is not clear enough or is inadequate, or the form was not filled in correctly, the offender will be notified in writing of the deficiencies, the court granting him the possibility to complete or correct the form or to provide additional information or documents, within no more than 10 days from the receipt of the communication, under penalty of canceling the complaint, in which case a standardized form will be used to complete the complaint form; 4) if the obligations regarding the completion or rectification of the complaint form are not fulfilled within this term, by conclusion, given in the council chamber, the cancellation of the complaint is ordered; against the cancellation decision, the petitioner will only be able to make a request for re-examination, requesting a reasoned request to reconsider the cancellation measure; 5) the request for re-examination is made within 15 days from the date of communication of the decision; 6) the request is resolved by a final decision given in the council chamber, with the summons of the petitioner, by another panel made up of a judge of the respective court, appointed by random distribution, which will be able to return to the annulment measure if it was erroneously ordered or if the irregularities have been removed within the period granted; 7) in case of admission of the re-examination request, the case is re-sent to the originally vested panel; 8) after receiving the correctly completed complaint form against the record of finding the contravention and applying the sanction, the court will immediately send the typed response form, for completion, to the body that applied the sanction, accompanied by a copy of the form complaint and copies of the documents submitted by the petitioner; within 30 days from the communication of the documents, the body that applied the sanction will send the court the typed response form, as well as copies of the documents it intends to use, indicating any other necessary evidence; the court will communicate to the petitioner 10 copies of the response of the body that applied the sanction, as well as of the documents submitted by him; 9) the procedure regarding contravention complaints, when the contested sanction is a warning or a fine that does not exceed the amount of 3,000 lei, is written and takes place in the council chamber; 10) in order to resolve the case, the court may also approve other evidence outside the documents submitted by the parties; 11) the court orders the appearance of the parties, if it deems this fact to be necessary, or at the express request of one of the parties by completing the relevant sections of the prescribed forms; the court will draw up and pronounce the decision within 30 days from the receipt of all the necessary information or, as the case may be, from the end of the oral debates.

practice of the Court of Human Rights¹⁷, the Court holds that "a law fulfils the qualitative conditions required by both the Constitution and the Convention, only if the rule is stated with sufficient precision to enable the citizen to adapt his conduct in the light of that rule, so that, if necessary by seeking expert advice on the matter, he is able to foresee, to a reasonable extent in the light of the circumstances of the case, the consequences which might result from a particular act and to correct his conduct."

The Court finds that the provisions of the contested law are contrary to Article 1(5) of the Constitution, in the components relating to the clarity and predictability of the law, in the light of the following aspects:

- in the law under challenge, the terms 'complainant' and 'offender' are used interchangeably and are not defined, implying that the relationship between the two categories is one of proximity (complainant) and specific difference (offender). It is not clear whether the complainant is only the offender or may be another person, there is no provision for the injured party to lodge a complaint regarding compensation and no provision for the person to whom the confiscated goods belong, other than the offender, to lodge a complaint regarding the measure of confiscation (paragraphs 38, 39).

- the wording of the provisions of the contested law is unclear as regards the evidence which the complainants may adduce in the simplified procedure set up by the legislature; the offender may submit only documents and the other complainants any evidence they consider necessary. However, applying the logical method of interpreting a legal rule, the Court finds that the legislature intended to provide for a written procedure which, as a rule, is conducted without the parties being present, which would make it impossible to adduce evidence other than written documents. The text may therefore have two distinct legislative solutions, which makes it impossible to apply it in the form introduced by the law under challenge: the offender may only submit written documents and the other petitioners any evidence they consider necessary (paragraph 40).

- the defective drafting of the provisions concerning the summons of the parties, if the court deems it necessary to summon them (in the event that the parties are summoned, the legislator has not clearly regulated whether the hearing of the complaint against the record of the finding and application of the sanction takes place in the council chamber or in open court), those relating to the drafting and delivery of the judgment (it is not clear whether the drafting of the judgment - the reasons in fact and in law - must take place at the time of delivery, by way of derogation from the ordinary law applicable in civil procedural matters. If this is the meaning of the provisions in question, then this rule will also be different from the rule applicable to judgments on other complaints about infringements (paragraphs 46 and 47).

The Court holds that the contested law is contrary to the constitutional provisions of Article 21(3) of the Constitution on the right to a fair trial, since it does not provide for an appeal against the court's decision on complaints against the minutes of proceedings imposing a warning or a fine not exceeding 3,000 lei.

The Court finds that the value threshold of the penalty imposed by the report of the finding and sanctioning of the contravention cannot constitute an objective and reasonable justification for denying access to the appeal procedure already regulated by Article 34(2) of Government Ordinance No. 2/2001.

In this regard, the Court recalls its ruling on the special regulation of appeals in traffic offences in Decision No 500 of 15 May 2012¹⁸, in which the Constitutional Court admitted the exception of unconstitutionality of the provisions of Article 118(31) of Government Emergency Ordinance No. 195/2002 on traffic on public roads, provisions that eliminated judicial review of court decisions on traffic offences. The Court found that the State has an obligation to guarantee the effectiveness of free access to justice, so that the elimination of the only remedy in the matter, namely appeal, is tantamount to rendering meaningless the provisions of Article 129 of the Constitution, according to which "against court decisions, interested parties and the Public Prosecutor may exercise remedies,

¹⁷ ECtHR Judgment of May 4, 2000, pronounced in the *Rotaru Case against Romania*, paragraph 52, and Judgment of January 25, 2007, pronounced in the *Sissanis Case against Romania*, paragraph 66.

¹⁸ Published in the Official Gazette no. 492 of July 18, 2012.

under the law." The Court also held that it is undisputed that the legislature may limit the number of remedies, but the contested legal provision eliminates the only remedy, namely appeal. The Court therefore found that the abolition of judicial review of the decision handed down by the court on traffic offences on public roads infringes Article 129 of the Constitution in relation to the right of free access to justice and the right of defence, while at the same time constituting a violation of the requirements of a fair trial (paragraph 56).

3.2. Effects of the decision

The subordinate position of the Constitution in the hierarchy of normative acts that make up the system of law, as well as the activity of the Constitutional Court, as the only authority of constitutional justice, verifying the constitutionality of laws, provide the Court's decisions with a "normative force."¹⁹

According to Art. 147 para. (2) of the Constitution: "In cases of unconstitutionality concerning laws, before their promulgation, the Parliament is obliged to review the provisions in question in order to bring them into line with the decision of the Constitutional Court".

It is out of the question that, in the context of a priori constitutionality review, a finding of unconstitutionality of a law prior to its promulgation produces exclusively *ex nunc* effects.

In interpreting the provisions of Article 147 para. (2)²⁰, the Court ruled as a matter of principle that "Reconsideration, more precisely the setting aside of the decision, applies only when the Court has found that some of its provisions are unconstitutional, and not when the unconstitutionality concerns the legislative act as a whole"²¹.

If it finds that a law is unconstitutional as a whole, and not just some of its provisions, the consequence is the cessation of the legislative process in respect of that regulation²².

The legislator's choice to legislate in matters where the Constitutional Court has admitted a complaint of unconstitutionality regarding a law as a whole implies going through all the stages of the legislative process provided for by the Constitution and the regulations of the two chambers of Parliament. In the event of a new legislative initiative in the same area of regulation, Parliament must comply with the decision of the Constitutional Court²³.

4. Final considerations

In the legal world - rightfully so, the legislative proposal for amending and supplementing the OG no.2/2001 on the legal regime of contraventions (PL x no.589/2021) was called "typified contravention justice" and it was hoped that it would remain at the proposal stage. But the proposal became law... And not anyway, but with complete disregard of the negative opinion coming from the Legislative Council and the Superior Council of Magistracy.

Indeed, as the specialist doctrine points out²⁴, "an opinion can only be imposed by the force and logic of the arguments it develops, by the thoroughness of the observations and proposals it contains". In the situation under consideration, the logic of the arguments set out in the above-

¹⁹ A. Varga, *Forța normativă a unor decizii ale Curții Constituționale a României - o nouă dimensiune a izvoarelor formale de drept*, „Revista Română de Jurisprudență” no. 4/2018, p. 75.

²⁰ "In cases of unconstitutionality concerning laws, before their promulgation, the Parliament is obliged to re-examine the respective provisions for their agreement with the decision of the Constitutional Court".

²¹ See, in this regard, Decision no. 619 of October 11, 2016, published in the Official Gazette no. 6 of January 4, 2017 par. 50, Decision no. 581 of July 20, 2016, published in the Official Gazette no. 737 of September 22, 2016, par. 45-48.

²² Decision no. 100 of February 17, 2021, published in the Official Gazette no. 280 of March 19, 2021, par. 35. Decision no. 100 of February 17, 2021, published in the Official Gazette no. 280 of March 19, 2021, par. 35.

²³ Decision no. 845 of November 18, 2020, published in Official Gazette no. 500 of May 13, 2021, Decision no. 76 of January 30, 2019, published in the Official Gazette no. 217 of March 20, 2019, Decision no. 140 of March 13, 2019, Decision no. 141 of March 13, 2019, published in the Official Gazette no. 389 of May 17, 2019, Decision no. 383 of May 29, 2019, published in the Official Gazette no. 549 of July 4, 2019.

²⁴ Ioan Muraru, Elena Simina Tănăsescu (coord.), *Constituția României. Comentariu pe articole*, 2nd ed., Ed. C.H. Beck, Bucharest, 2019, p. 698.

mentioned opinions - unnoticed by the parliamentarians - was confirmed by the Constitutional Court.

We would like to consider that if it had not been subject to constitutionality review and had entered into force, the Law amending and supplementing the Government Ordinance no.2/2001 on the legal regime of contraventions was destined to disturb the nature of things, and not to contribute to improving the legal framework of the legal regime of contraventions.

The validation by vote of the Chamber of Deputies - the decision-making chamber - of the legislative proposal demonstrates - for the umpteenth time - that the legislative authority is not interested in acting within the limits and in accordance with the Constitution and in ensuring the quality of the law.

The legislator's concern to "support judges who resolve contravention complaints against the official reports drawn up by the investigating officers" and to "improve the legal framework of the legal regime of contraventions" - which is welcome, by the way - reactivates two approaches.

First of all, it reminds us of what a renowned legal practitioner and theorist said: "justice is done to solve, and not to further complicate, social and/or personal problems, and not merely to assert the self-sufficient superiority of those who do it".²⁵

Secondly, it brings us back to the need to draw up a Contravention Code, which would regulate in a unified manner both the substantive law aspects and the procedure of contravention.

The goal of quality legislation cannot be achieved through repeated "attempts to adjust" the provisions of a legislative act, through "legislation for the sake of legislation", ignoring constitutional principles and the rules of legislative technique, but through the adoption of an integrated legislative framework that allows the effective and efficient application of the legal provisions in this area. And in the contraventional matters²⁶, if we may metaphorise, the evolution of the regulations reveals the need for surgical, and not just aesthetic, intervention...

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²⁵ Gheorghe Buta, *Interviu cu un judecător pensionat*, in „Justiția în actualitate”. Year X. Jubilee Edition dedicated to the Centenary of the Great Union, p. 58.

²⁶ Regarding the regulation of contraventions, see Cătălin-Silviu Săraru, *Drept administrativ. Probleme fundamentale ale dreptului public*, Ed. C.H. Beck, Bucharest, 2016, p. 213-230.