

# THE OPPORTUNITIES OF MULTIDISCIPLINARY KNOWLEDGE



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# **The Opportunities of Multidisciplinary Knowledge**

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## FOREWORD

The present volume was born from the desire to find possible answers to that question that was and is obsessive for humanity, what is knowledge and what are its challenges? difficult to answer. The more we insist on this concept, the more divergent opinions are where, epistemology as a theory of knowledge, insists on the innumerable types of knowledge that we attribute to ourselves, descriptive, declarative or propositional knowledge (which requires a greater degree of intellectual sophistication on the part of the seeker of knowledge) knowledge of knowledge or skill.

Starting from these minimal analytical considerations, we argue the theme chosen for this scientific manifestation as the path, the process, the analytical and synthetic approach materialized in a series of scientific works from related domains, convergent but also divergent precisely to demonstrate that science does nothing but place in judgments and paradigms the situations, attitudes or behaviors that refer to the activities we practice, analyze, discover and interpret based on the scientific syllogism. The particular scientific fields and the related ones do nothing but offer us ways of interpreting, analyzing and synthesizing the so diverse reality from which we extract knowledge, causes and evaluations, located as if in a crucible of knowledge which in the end does nothing but it reveals the historical, geographical, social and cultural environment in which we form and develop as distinct personalities.

If, the characteristics of common knowledge refer to the immediate socio-human reality that can vaguely formulated paradigms and postulates, scientific knowledge is marked by a theoretical accumulation that presupposes a distinct methodological approach and approach, involving methods, techniques, models, where subjectivity, impersonal character are almost non-existent in a scientific knowledge, imposing our approach in which the subjectivity of the agent of knowledge has nothing to do with it. If the limits of common knowledge also include the individual character, the particularity of ideas that do not reach the level of generality and will not be the image of the entire psycho-social reality, scientific knowledge is marked by a theoretical accumulation that presupposes a distinct methodological approach and approach, involving methods, techniques, role models.

Starting from these premises that clearly delimit the difference between common knowledge and scientific knowledge, multidisciplinary scientific knowledge and the opportunities assumed and proposed by it can be found in the present volume in the form of research carried out by university teachers and students. From paradigm to paradigm, the problems and proposed solutions are incomparably different – they are incommensurable, because we have a narrative of the succession of different kinds of scientific theories with their results. These aspects help us realize the components, complexity and stages of knowledge, a body of knowledge that can be seen either in evolution or in "dispersion", and which approximates the growth of scientific knowledge.

The paradigmatic and immeasurable character of disciplinary theories is what nuances the conception of a linear scientific progress and the unstoppable accumulation of scientific knowledge, which advances without stops, continuously, towards new and new targets of knowledge. The philosopher of science instead comes to conceptualize the incommensurability, heterogeneity, plurality, fragmentariness and relativity of progress and truth within scientific knowledge, without postulating the relativity of truth or the impossibility of the objectivity of truth and knowledge in general.

However, the present volume is intended to be a true puzzle of knowledge in which multidisciplinary does nothing but create the puzzle as a synonym for scientific knowledge

that assumes homogeneity and heterogeneity, in starting a scientific investigation, as a necessary condition, sine qua non, for the possibility of its growth, diversification, deepening.

What we consider the most important to highlight in this multidisciplinary incursion proposed in this volume is the fact that science and scientific knowledge is not quantity or progression as a linear process, but is complexity, diversity and quality, the quality of a diverse picture being made up of fragments, from scientific puzzles proposed by us, from intra- or extra-paradigmatic conceptualizations and theoretical interpretations. I will conclude this brief preface with the following considerations about knowledge: K. Popper show: *“The idea is that whenever we propose a solution to a problem, we must do our best to overturn the solution found, rather than defend it. Few of us, unfortunately, practice this precept; but others, fortunately, will supply critical deficiencies if we fail.”*

Scientific Vice-Rector  
**Doina David**

# **LAW SECTION**



# Social Solidarity and Legal Fairness: The EU Temporary Protection for Ukrainian Refugees

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## Abstract

The Russian Federation military offensive in Ukraine has triggered unprecedented displacement across Europe, including Romania. In this paper, we aim to examine some aspects of a historical legal premiere: invoking the 2001 Temporary Protection Directive by the EU ministers, in response to the refugee crisis caused by the 2022 Russian invasion of Ukraine. This unprecedented situation brings once again into our attention the problem of Social Solidarity and Legal Fairness across Europe.

*Keywords: Ukrainian refugees, Temporary Protection, Social Solidarity, Legal Fairness*

## The EU Temporary Protection System: a “Balance of Efforts” Among Member States

The war has sparked displacement on a scale and speed not seen since World War II – with far-reaching impact across the region and beyond. More than 7.5 million refugees fled from Ukraine as of 11 October 2022, according to the UNHCR’s Operational Data Portal (ODP) [1]. Of these, 4.2 million of refugees from Ukraine have been registered for the so called “temporary protection” in the EU.

The Temporary Protection system granted by the EU to displaced persons is intended to be used in exceptional circumstances, when the regular EU asylum system has trouble handling a “mass influx” of refugees. [2]

Legally speaking, this system is based on the Temporary Protection Directive (TPD; Council Directive 2001/55/EC) [3], a 2001 European Union directive providing for immediate, temporary protection for displaced people from outside the external border of the Union. Based on the social solidarity and legal fairness principles, when invoked, the above-mentioned Directive requires EU member states to accept refugees as allocated based on their capacity to host them, trying to create a “balance of efforts” among member states.

The Temporary Protection Directive was introduced in the aftermath of the Yugoslav Wars and has been in effect since 7 August 2001. It aimed to harmonize European Union policies with respect to displaced people and increase solidarity and collaboration between member states in a refugee crisis.[4] The directive discusses procedures for triggering and ending temporary protection, rights of people under temporary protection, and special provisions for specific categories of people (survivors of trauma, unaccompanied minors, and potential security threats).[5]

However, the Temporary Protection Directive was not used before 2022, which sometimes created controversy and dissatisfaction.[6]

## **Asylum Vs. Temporary Protection**

Article 18 of the Charter of Fundamental Rights of the European Union [7] contains, for the first given at the European level, the right to asylum. In accordance with the provisions of Article 18, it is a recognized right: "the right to asylum will be guaranteed with due respect of the provisions of the Geneva Convention [...] and in accordance with the Treaty on Union European Union and the Treaty on the Functioning of the European Union [...]". Article 19 of the Charter includes the prohibition of returning a person to a situation in which he fears, mod justified, that she could be persecuted or exposed to a real risk of torture and punishment or inhumane or degrading treatment (principle of non-return).

However, seeking asylum is usually a long and difficult procedure. Temporary protection on the other hand, which is distinct from asylum, provides the refugees with a legal procedure of protection which can last up to three years depending on circumstances. People under temporary protection can obtain a residence permit without the complicated bureaucracy normally associated with seeking asylum. They are allowed to work and access social welfare and are entitled to protection throughout the EU. Also, according to temporary protection system, the children must be allowed to access education the same way as EU residents. [8]

The Temporary Protection Directive institutes an emergency mechanism that applies in the event of a massive influx of people and aims to provide immediate and collective protection. The aim is to ease pressure on national asylum systems and allow displaced people to enjoy harmonized rights across the European Union. The directive is intended to be invoked in the event of a "mass influx" of refugees. The definition of "mass influx" was intentionally left vague and is meant to be defined on a case-by-case basis, in order to allow flexibility in its application. [9]. To invoke the directive, the European Commission must first make a proposal to member states, and a qualified majority of the Council of the European Union (generally at least 55% of EU countries, representing at least 65% of the union's total population) needs to vote in favor. When invoked, the directive compels all member states to accept refugees, issue residence permits, and take other steps to assist displaced people. Refugees are to be distributed among member states on a voluntary basis, based on member states' capacity to host them.

## **A Historical Premiere: Invoking TPD as a Response to the Ukrainian Refugee Crisis**

Although it has been in effect since 2001, the Temporary Protection Directive (TDP) was first invoked by the EU ministers only in 2022, in response to the refugee crisis caused by the 2022 Russian invasion of Ukraine.

Faced with the greatest human exodus since the end of World War II, on 3 March 2022, EU ministers unanimously agreed to invoke the Temporary Protection Directive for the first time in its history, in order to grant temporary protection for Ukrainians fleeing the military aggression waged by Russian forces.

To cope with the large and abrupt number of migrants, all the 27 member states have "dusted off" this 2001 EU directive that had never been used before and is designed to provide immediate assistance and protection to war refugees. The Temporary Protection Directive circumvents the traditionally overburdened asylum procedure and offers a quick and simplified path to access protection across the EU.

Under this mechanism, Ukrainian refugees were given residence permits to stay inside the bloc for at least one year, a period that will be automatically extended for a further year. Member states can then decide to prolong the exceptional measure by one more year if the war continues to ravage the country.

## **Application of the Temporary Protection Directive in Romania**

The Council Implementing Decision (EU) 2022/382 of 4 March 2022 (hereafter Council Decision) specifies how EU Member States are to apply the Temporary Protection Directive, while leaving to Member States' discretion to include additional categories if they deem it appropriate.

Since March 18, 2022, in Romania is in force the Government Decision no. 367 regarding the establishment of conditions for ensuring temporary protection as well as for the modification and completion of normative acts in the field of foreigners. [10]

The normative act applies the TPD in Romania and provides the concrete conditions for ensuring the temporary protection of displaced persons on the territory of the Romanian state, establishing the categories of persons who can benefit from this status.

Temporary protection applies to persons displaced from Ukraine starting from 24.02.2022, respectively Ukrainian citizens who lived in Ukraine before 24.02.2022, beneficiaries of international protection/equivalent national protection in Ukraine before 24.02.2022, as well as family members of them. This status is also available to stateless persons and foreign citizens, other than Ukrainians, who can prove that they had legal residence in Ukraine before February 24, 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who cannot return in safe and stable conditions to their country or region of origin.

The General Inspectorate for Immigration, through all its territorial structures, is responsible for recording data and issuing residence permits to beneficiaries of temporary protection who present themselves to the competent authorities. The validity of residence permits is the same as the period of application of Decision (EU) 2022/382.

The EU Temporary Protection Directive in Practice 2022, a recent analysis made public by UNHCR [11], mentions as a positive fact that “the Ministry of Interior in Romania, in coordination with civil society and UN agencies, has launched a dedicated multi-lingual web platform Dopomoha.ro to support Ukrainians as well as other nationalities fleeing from Ukraine with necessary information on available services, including a dedicated section on legal status that outlines the possibility of applying for temporary protection and asylum, as well as short stays, and the rights associated with each of them”.

## **Some Conclusions**

Invoking the 2001 Temporary Protection Directive by the EU ministers, in response to the refugee crisis caused by the 2022 Russian invasion of Ukraine, is a historical premier. This unprecedented situation brings once again into our attention the problem of Social Solidarity and Legal Fairness across Europe. We shouldn't ignore the practical challenges faced by Members States, including Romania, when it comes to management of refugee and migrants flows, while ensuring safeguards and access to rights for refugees. However, as mentioned in a recent UNHCR Recommendation, so far, the application of the Temporary Protection Directive “has not only demonstrated EU Members States' solidarity and commitment towards the Ukraine refugee crisis, but also the ability to put in place fair and efficient systems that allow for expedited confirmation of status, and effective access to rights”. [12]

## REFERENCES

- [1] The Operational Data Portal (ODP) was created in 2011 to enable UNHCR's institutional responsibility to provide an information and data sharing platform to facilitate coordination of refugee emergencies. The ODP provides data and information on all persons of concern to UNHCR (refugees and asylum seekers, IDPs, stateless persons, etc.), as that refugee emergencies cannot be considered in isolation from the wider situation. Updated information about Ukrainian crisis of refugees can be accessed at <https://data.unhcr.org/en/situations/ukraine>
- [2] According to European Commission Migration and Home Affairs Directorate-General, Temporary protection is an exceptional measure to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin. See [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en)
- [3] Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, available online on: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>
- [4] See also [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en)
- [5] Ibidem
- [6] See, for example: GENÇ, H. Deniz, ŞİRİN ÖNER N. Aslı (2018), Why not Activated? The Temporary Protection Directive and the Mystery of Temporary Protection in the European Union, International Journal of Political Science & Urban Studies, Mart 2019, available online on <https://dergipark.org.tr/tr/download/article-file/669445>
- [7] Available online on [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)
- [8] For more information on this topic, see: <https://www.infomigrants.net/en/post/38835/special-protection-for-ukrainian-refugees-in-the-eu-whats-the-temporary-protection-directive>
- [9] See also [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en)
- [10] Government Decision no. 367 / 2022, published in the Official Gazette of Romania, Part I, no. 268/2022.
- [11] Available online on <https://reliefweb.int/report/world/eu-temporary-protection-directive-practice-2022>
- [12] Ibidem.

# Some Aspects about Romanian Regulatory Framework for Telemedicine in the Covid-10 Pandemic Context

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## Abstract

The Covid-19 pandemic context required the identification and application of special measures for the provision of the health public service for citizens, alternatives to the classical methods and which can be ensured with respect to the sanitary distance. In this context, the present article summarizes some aspects of the regulatory framework of telemedicine in Romania and make an analysis of how the digital intervention produces effects within the public health service.

Keywords: *The Covid-19 pandemic context, the health public service, telemedicine*

## Introduction

The concept of telemedicine is not new. Telemedicine is defined in doctrine as the use of telecommunications technology for medical diagnostic, monitoring and therapeutic purposes when distance separates users [1].

Until the crisis triggered in spring 2020 by the global Covid-19 pandemic in Romania, there was no special regulation on telemedicine. Romania's entry into a state of emergency by Decree No 195 of 16 March 2020 [2] issued by the President of Romania, subsequently extended by Decree No 240/202 [3], also meant that special measures had to be taken about the public health service, including the regulation of telemedicine in our country by means of a special regulatory act.

## Regulating Telemedicine at the Legal and Secondary Level. Influence of the Covid-19 Pandemic Context

A first government decision-making process materialized in the **adoption of the Government Decision No. 252/2020 by which some measures in the field of health were established during the establishment of the state of emergency on the Romanian territory** [4]. In essence, this Government decision regulates both the use of electronic means of communication between insured persons and health insurance companies, including for the transmission and issuance of documents (art. 14) and telemedicine through remote medical consultations.

A major legislative act regulating telemedicine was adopted only in November 2020, amidst the deepening crisis in the medical system, namely **GEO no. 196/2020** [5], which amended and supplemented **Law no. 95/2006 on health care reform by regulating telemedicine *in extenso***. Among the Government's reasons for issuing this urgently adopted legislation are: the need to continue to respond to the real health needs of the population in the communities, but also for the efficient management of human and financial resources in the health sector; the obligation of the State to establish a set of patient protection measures so that patients' rights

are respected and they can receive the necessary medical services under the conditions of efficient use of funds allocated for this purpose; considering that in the communications from the European Commission to the European Parliament and the European Economic and Social Committee telemedicine means the provision of healthcare services based on the use of information and communication technology in situations where the healthcare professional or two healthcare professionals and the patient are in different locations; the need for the Romanian state, as guarantor of the right to public health protection, to identify a mechanism for the provision of telemedicine services; failure to promote this legislation as a matter of urgency may have adverse consequences for the proper management of preventing and limiting the spread of infections caused by the SARS-CoV-2 virus.

According to the new amendments and additions to Law No 95/2006, brought by GEO No 196/2020, units providing prophylactic and curative care may also provide these services through telemedicine. These are: outpatient clinics of general practitioners and other specialists, diagnostic and treatment centres, medical centres, health centres, laboratories, as well as through other public and private health units; public and private health units with beds.

The ordinance defines, for the first time in Romanian legislation, **the concept of telemedicine** as “*all medical services provided remotely, without the simultaneous physical presence of medical staff and patient, for the establishment of diagnosis, indication of treatment, monitoring of diseases or indication of methods of disease prevention, in a secure manner, through information technology and electronic means of communication*” [6]. These services may be provided on a non-discriminatory basis to any person by all health professionals using information and communication technologies, means of distance communication [7], for the exchange of valid information for the diagnosis, treatment and prevention of illness and injury, medical research and evaluation, and for the ongoing support of health care providers, all in the interest of health promotion.

The ordinance also stipulates which **services are offered through telemedicine** and defines them as follows:

(a) *teleconsultation*, defined in Article 30(2) as the medical service carried out in relation to the patient, who discusses remotely with the doctor, and may be carried out by any means of communication, in order to establish the diagnosis, treatment and/or measures necessary for the prevention of diseases and their complications, all in the interest of promoting the patient's health;

(b) *tele-expertise*, defined in Article 30(3) as a telemedicine service involving an exchange of medical opinions between several doctors carried out by any means of distance communication, with a view to confirming a diagnosis and/or therapeutic course of action, on the basis of data in the patient's medical records, and which does not require the physical presence of the patient;

(c) *telecare*, as defined in Article 30(4), the medical service consisting of assistance provided by a doctor to another practitioner, at a distance, who is performing a medical or surgical act, and the medical service provided when the medical professionals providing emergency medical assistance need assistance;

(d) *telerradiology*, defined in Article 30(5) radiology and medical imaging at a distance, is a telemedicine service involving the electronic transmission of radiological images using digital image capture technologies for the purpose of interpretation by radiology-medical imaging specialists and diagnosis;

(e) *telepathology*, defined in Article 30(6) as a telemedicine service involving the remote transmission of data and microscopic images for the purpose of interpretation by pathologists and diagnosis;

(f) *telemonitoring*, defined in Article 30(7) as a medical service enabling a medical specialist to remotely monitor and interpret medical data about the patient transmitted by the patient by

means of remote electronic communication, necessary for medical follow-up, adjustment of therapeutic, lifestyle and hygienic-dietary behaviour relating to the care of that patient, as appropriate. The recording and transmission of medical data may be automated by means of approved medical devices that measure and transmit medical information on the patient's condition or performed by the patient, physician, or other medical personnel.

Telemedicine healthcare services must comply with the provisions of special legislation on patients' rights [8] and the following requirements:

(a) establishment of the identity and professional quality of the doctors providing these services;

(b) informing the patient of the medical services available, the purpose and implications of the medical act and the means of carrying it out, including the technical means used for data transmission;

(c) respect for the patient's right to give free and informed consent;

(d) respect for medical confidentiality;

(e) ensuring the conditions for the transmission of data and the conditions for the processing of such data by medical staff in such a way as to guarantee confidentiality;

(f) securing and entering the documents resulting from these services in the patient's electronic health record;

(g) ensuring continuity of care.

Telemedicine services shall be provided by public and private health establishments provided for by law, regardless of whether they are in a contractual relationship with the health insurance company.

It is also stated in GEO no. 196/2020 that the Government Decision shall also regulate:

a) the medical specialities and the list of services covered by telemedicine services;

b) the conditions for the organisation and operation of telemedicine;

c) the responsibility for establishing the quality of the telemedicine service and verifying compliance with it, under the terms of Law No 185/2017 on quality assurance in the health system, as amended and supplemented [9];

d) the way telemedicine services are provided.

## **Conclusions and Results**

The urgency of adopting the legislative measures regarding the application of telemedicine during the emergency period, as it was subsequently extended, is also given by the way of their adoption, resorting to normative acts of intralegal level (Government decision). The urgency of adopting new, more concrete legislative measures proved even after the state of emergency, with the Government resorting to emergency ordinances. Only in November 2020, amid the worsening crisis of the medical system, Law no. 95/2006 on health care reform, also through an emergency ordinance, through the extenso regulation of telemedicine. The units that provide prophylactic and curative assistance that can provide these services also through telemedicine are expressly provided, namely: outpatient clinics of family doctors and other specialties, diagnostic and treatment centres, medical centres, health centres, laboratories, and through other public and private health units; public and private bathrooms with beds.

## REFERENCES

- [1] Shaw D. K. (2009), *Overview of Telehealth and Its Application to Cardiopulmonary Physical Therapy*. *Cardiopulmonary Physical Therapy Journal*, 20(2), 2009, pp.13-18.
- [2] Decree of the President of Romania no. 195/2020 on the establishment of the state of emergency on the territory of Romania (Official Gazette no. March 16, 2020).
- [3] Decree of the President of Romania no. 240/2020 on the extension of the state of emergency on the Romanian territory (Official Gazette no. 311 of April 14, 2020).
- [4] Published in the Official Gazette no. 266 from 31 March 2020, as subsequently amended and supplemented.
- [5] Government Emergency Ordinance no. 196/2020 for the amendment and completion of Law no. 95/2006 on health care reform, published in the Official Gazette. no. 1108 of November 19, 2020.
- [6] Article 301 para. (2) of Law no. 95/2006, introduced by Government Emergency Ordinance no. 196/2020.
- [7] Distance communication means any means which, without the simultaneous physical presence of the patient and the medical staff, can be used to provide medical services provided at a distance via any audio or video platform, electronic equipment and cable networks, fiber optics, radio, satellite, and the like Art. 301 para. (4) of Law no. 95/2006, introduced by Government Emergency Ordinance no. 196/2020]
- [8] In Romania, the patient's rights are regulated by Law no. 46/2003, published in the Official Gazette no. 51 of 29/01/2003, with subsequent amendments and completions.
- [9] Law no. 185/2017 on quality assurance in the health system, published in the Official Gazette no. 599 of July 26, 2017, with subsequent amendments and completions.



## Forms of Cultural Creation – Specific Features of Historical and Multidimensional Cultural-Value Space

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### Abstract

The present paper is among those studies that come naturally in the context in which we are asking ourselves more and more what is cultural identity of people, what is the cost if preserving it in the context of globalization trends, traditional cultural values globalization of the European nations, Eastern European in particular, in the context in which geographical areas and geographical boundaries have changed not only at territorial level but especially at cultural level, where multi, pluri-culturalism has become a constant of this century.

Our study doesn't support just a returning to archaic, archetype and paradisiacal world of the beginning of cultural creations, but aims to emphasize the fact that, accepting specificity in cultural diversity context can be achieved without giving into the sin of losing identity. Globalization, interculturality, phenomena generated by overgrowth process of emigration put us in front of realities that require finding balanced solution for conserving cultural structures specific to a socio-political context, culturally different, far different from historical point of view, towards the twentieth century identity.

*Keywords: multiculturalism, archetype, culture, creation, globalization.*

Values and historical evolution paths changed within this century XXI, Europe “revised” its balance of power, hegemonic trends of the empires leave room for transition tendencies to national, historical, political and cultural evolution where national spirit articulation is significant felt, but in the geopolitical and cultural area specific to globalization. We will yet see if this phenomenon, determined also by the “impact” of transformations and national-historical “revisions”, will develop in increasing identity element or will keep this accent happily articulating the particular – individual along with the universal, in the context of extensive globalization trends.

Current tendency of East-European people could only be preserving cultural identity, in an area in which exist increasingly visible both imposed economic and political integration and accepting cultural integration by losing cultural constant. We appear to be not only geographically but also politically on a plan of interferences and bifurcations between east and west, but we are situated also in a plan of “choices” and options concerning our analysis regarding our national identity.

Whether we want it to or not The Occident has the tendency of economic and cultural integration, whereas Eastern Europe became the character of “sceneries” with obvious tendencies of identity self-definition. Will East be able to integrate Western Europe, preserving the inherent national and cultural differentiation? Will East be able that through such diverse elements as diversity to accomplish integration without losing national specificity and inner dynamic in significant globalization process and coexistence in multicultural societies? Will East be able to integrate without losing its identity and without returning to historical past in

which identity issue has been considered solved? Is there a need for a new approach of the national, cultural problematics imposed by the current sense of history?

These are just a few of the questions that are worrying us in this paper. We are far from considering the issue exhausted in this paper; the topic is generous but also full of thickets and traps, is complex and versatile; fundamental aspects of this topic can be attained only tangential regarding: specificity, identity, particular and universal, when cultural archetype, spiritual matrix, cultural diversity, symbolism and creation forms as specific features of historical and multidimensional cultural-value space are subject and object of discourse analysis.

Precisely due to the complexity of this topic the present paper drew attention to one reference “fragment” of the vast information field subject to analysis. There is the possibility that turning and returning to the study of what we call “ethnic” to give in to the sin of being considered outdated, as we can be accused of approaching a topic accepted as the obsession of the ending of the millennium and beginning of the XXI century.

By creating one’s values, traditional human manages to reintegrate in the paradisaical stage of primordial human; precisely because mythical, archaic human proves himself an archetype in which waking state, dreams, nostalgia, wishes and enthusiasm are seen as potencies that project human into a spiritual world infinitely richer than the close minded of the time in which he lives. Human acquire all these through **creation**: “*Creation transforms human finite nature into an absolutely infinite in mundo*” [1]. Creation is the supreme moment of human expressions as logos, and cogito, is: “...*the eidos – the most humane of the human*” [2].

These elements reveal in essence, creation specifics and its specific human dimension. Divine creation is accepted at traditional level, (see, previous subchapter) but also human creation, which explains and expresses the existence of a spirituality thirsty for **creation**, which continues from the primordial time, until historical time, but to another level, “...*not as an action, but as a real possibility accomplishment of human, but as a creating nostalgia of autonomous values*” [3].

In human reality order there is nothing more interesting than creation act: “*everything concerning human creation is interesting up to obsession... culture is the specific way of human existence in universe*” [4].

By **creation** man comes to universality, to materialize constantly striving to knowledge of analytical and synthesis. Creation starts off as an extension of life, promote creative and critical-original principles. As entities, cultures have particular ways in which images and symbols, updated structures archetypal then subjected valuing. In general, no culture is universally valid, but the images that precedes inform and structure the foundation of a culture “*remain forever alive and universally accessible*”.

According to this reasoning, traditional Romanian culture as a result of the phenomenon of **creation** [5] spirituality remains our hallmark of individuality. Because, in the archaic world, creation enhances human dignity, its inoculating mystery, miracle, sacredness, under and over-reality, myth, magic, all materialized, ultimately, in the **act of creation**.

Creation of spiritual values at traditional level places man in a framework that only expresses through signs and symbols, archetypal essences of a world in which, based on archaic mentalities, establish human will to participate in ontic, the will to magically and symbolically relive the initial reality, plus the support of the traditional based on: praxis, nature, contemplation, imagination, fantasy, creativity, intuition and native intelligence, sensitivity, subjectivity, abstraction, concreteness, utility, aesthetics, all reunited in the act of creation, revealed in infinite variations through creation.

Thus man manages to transform logical mental structures generated by a certain existential archetype into symbolic constructions, where creation acquires continuity, discontinuity, diversity but also unity because it is: “...both cogito and language, it fulfills human order in

cosmos of the world, it also satisfies nostalgia, and knowledge, and comprehension, and crisis, and refusal, and faith, and unbelief, and renunciation, and sacrifice, and hatred and love” [6].

Creation involves play, dream, desire and helplessness, it presupposes the existence of certain specificity of mindset at the level of archaic universe where we discover beyond the real, the oniric, because the act of creation presupposes mythical, symbolic, but also oniric thinking. Creation is sacrifice, dedication, renunciation, retrieval, searching, living, dreaming.

Dream, subconscious, include symbols and messages that can be decoded, same as the act of creation that keeps signs and symbols that aren't lost, because they anticipate other hermeneutical approaches each time, with each creation or re(creation) in general, symbolic in this case. Creation in our discourse involves only symbols, because they are our reference frame, the conceptual “cutout” imposed by our analytical specificity (the sign and symbol in traditional creations).

Creation starts from the archaic level, involves acquiring in time, diversification, enrichment of **codes** [7] waiting to be decoded. Through creation, traditional man utilizes those resources, that gives all “creative acquisitions”, made over time, a necessary dimension found “... *in latent and condensed form in our hereditary structures*” [8].

Reality appears like one and multiple unit; creation phenomenon of spiritual values involves the real, human, being which, in its turn, is an expression of one and the multiple. Man rediscover criteria of approaching the world in implicit form (in ontological plane), in explicit form (in gnoseological plan), and valorizing, of hierarchy (in axiological plane) in his mindset. Through these processes man only demonstrates the fact that he is “*a small universe, and the universe is a grown man*” [9] in which one and the multiple coexist.

Through **creation**, man expresses unity of opposites, unity of world-man-divinity; resignified through creation, with the following distinction: man and the world are the result of the original creation; but man, can, in turn, be **creator** of cultural values; capable of **creation**, but not in original sense, because the specificity of human creation implies ontos, logos and value, unlike the original creation which is absolutely-immutable, unique (See the distinction between human creation and divine creation, presented in the subchapter “Divine creation through sacred word”) [10].

## Conclusions

Human creation, diversified every time, generates other representative archetypes - other values, that aim to create a defining, specific image, present at human being level. Unity of opposites of one and the multiple, triggers various meanings in approaching culture, that can be presented to us as “*stationary, cumulative, authentic with a strong axiological charge*” [11] but also in evolutionary form. This is the only way to explain our cultural diversity, the fact that in the end human cultural **creations** take forms that have various ways of suggestive manifestation; often concrete manifestations of what exists historically and temporally, though each time they express the human in all its fullness.

Through cultural creations, man manages to express unity and diversity of his own being. Culture maintains and manifests as a unit, through the diversity of its forms, the cultural values are embodied in cultural creations, they validate a certain ontological reality, with accentuated individualization.

Traditional man wants to find, through cultural values, unity in diversity of the world, thus, creation, when it comes to spiritual values, is situated in a framework that only reflects “*a consistent conception of the world, of human life*” [12] which emphasizes the fact that, as a creator of spiritual values, lives under the sign of values and in a value system. *Tradition recognized as a value is the image of a culture's individuality, because it implies a return to the primordial value state, but not eductively and abusively* [13].

The value of culture in general and the archaic and traditional culture, in particular, is given by spiritual creations, the specific archetypal of the narrative and the practices of ritual, everything forms a huge collective consciousness is printing the specifics of conscience generations as “information fingerprints”, incumbent memories like... *and things that you've never learned*” [14]. In this context, traditional culture appears at a time as a Janus, with one face turned to the ancient myths and the other turned to permanent restructuring and remodelling, where man remains “*subject and reshape culture*” [15].

Culture in the broad sense is a barometer, a valuable indicator for people who conceived it, in this situation man, creative subject of culture, is a real demiurge who participates in creation, valorization, socialization, defining himself as a free human being, capable of “creation”, as a potential sometimes difficult to define.

We don't claim that we will discover new paths and ways of knowing the cultural phenomenon, especially tradition, precisely because there were previous valuable, significant and representative approaches in Romanian culture [16]. We can hope at least for the next step that we want to achieve in the ample process of analyzing the traditional cultural phenomenon, starting from “*what is backwards to what can be achieved further*” [17] – paraphrasing Iorga.

In order to be able to support these statements, we have to provide justification for the topic of this paper. It starts from the vividly disputed tradition-modernity relationship. Through elements of tradition and specificity, we don't want to place ourselves in ethnicist positions, but we can proclaim the idea of originality, which can be found in tradition, an insurmountable condition of creation, of novelty.

The originality of Romanian culture and therefore of our traditional culture, is given or, more precisely, related, first of all, to the Romanian language in which it is thought out, conceived and realized, a unique language among all Latin languages. “*Ambitious uniqueness, bizarreness, formal, strident structures no longer have that guarantee of value, which only the spirit of tradition can provide*” [18].

In today's world we can't afford to subordinate everything to post-modernity, but we can operate analytically from the perspective of capturing the presence of relative continuity and to the level of the cultural phenomenon.

Through our analysis we aim to move ourselves towards those values that we state, recognize, but not as absolute or “inert” entities, frozen, opposed to future becoming. There is not annihilating but creative tension between tradition and modern and especially post-modern, because they are paradigms of historical life [19] that meet in human spirit in resized value, in our case the Eastern European one [20].

Both substrate of creation and substrate of a people's culture are defined by complex of values that have created an ideal, as part of a whole: “*just as within the acorn kernels lies the idea of oak*” [21].

## REFERENCES

- [1] Tudor Ghideanu, *Anamnesis, sau treptele aducerii aminte*, Ed. Junimea, Iași, 1987, p.82.
- [2] Ibidem, p.83.
- [3] James Georges Frazer, *Creanga de aur*, Ed. Științifică și enciclopedică, București, 1983, p. 76.
- [4] Mircea Eliade, *op. cit.* p. 312.
- [5] To be seen, Tudor Vianu, *Studii de filosofia culturii*, Ed. Eminescu, București, 1982; Henri Wald, *Omul și semnele în: Dumitru Matei (coord.), Artă și comunicare*, Ed. Meridiane, București, 1971.
- [6] Idem, *Imagini și simboluri*, Ed Humanitas, București, 1994, p. 134.
- [7] To be seen, Umberto Eco, *Tratat de semiotică generală*, Ed. Științifică și Enciclopedică, București, 1982: “*creația semnifică comunicare, dar nu de orice fel comunicare creatoare. Procesele culturale devin procese de comunicare, ce presupun o “semiotică creatoare” ce în subsidiar au o semiotică a “semnificării creatoare”*” p. 20.
- [8] Tudor Ghideanu, *op.cit.* p. 82.

- [9] To be seen, Solomon Marcus, Tipuri de înțelegere în cunoașterea contemporană în : cartea interferențelor, Berceanu R. (coord.) , Ed. Științifică și Enciclopedică, București, 1985, legat de nivelul semiotic unde elementul oniric pentru “creație” și “conștiința creatoare”, devine “model de re-creare a lumii”. p. 145.
- [10] Decodificarea simbolurilor și cunoașterea creatoare a acestora, implică din partea noastră: “asociere de raționalitate a elementelor neraționale(nu iraționale), informaționale, participare la desfășurarea procesului de cunoaștere”. Theodor Dima, *Raționalitate și inconsistență logică*, în: *Privire filosofică asupra raționalității științei*, Ed. Academiei RSR, București, 1980, p. 94.
- [11] To be seen, Traian Stănciulescu, *Miturile creației – lecturi semiotice*, Ed. cit.; I. Lotman, *Studii de tipologia culturii*, Ed. Univers, București, 1974; E. Lovinescu, *Mutația valorilor estetice*, Ed. Minerva, București, 1973.
- [12] Ion Moraru, *Știința și filosofia creației*, Ed. Didactică și pedagogică, București, 1995, p. 149.
- [13] Georges Dumézil, prefață la: Mircea Eliade, *Tratat de istoria religiilor*, Ed. Humanitas, București, 1992, p. 12.
- [14] To be seen, C. Lévi-Stauss, *Race et histoire*, Ed. Gonthier, Paris, 1968; Denis Huisman, André Vergez, *Court traite dephilosophie*, Ed. Fernand Nathan, Paris, 1970; André Leroi –Gourhan, *Gestul și cuvântul*, ed. cit. considerațiile referitoare la ființa umană ca și creatoare de cultură. Cât și considerațiile lui Dimitrie Gusti în *Politica culturii și statul cultural*, București, 1931, referitor la distincțiile: cultură obiectivă, cultură instituțională și cultură personală.
- [15] To be seen, Claude Levi-Strauss, *Antropologia Structurală*, Ed. Politică, București, 1978, p. 442-445, și Marcel Maget, *Problemes d’ethnographie européenne*, în vol. *Ethnologie generale*, (la direction de Jean Pairier), Gallimard, Paris, 1968, p. 1325-1333.
- [16] Ovidiu Papadima, *O viziune românească a lumii*, Editura Științifică și enciclopedică, București, 1987; Mircea Vulcănescu, *Dimensiunea românească e existenței*, Ed. Eminescu, 1995, etc.
- [17] Nicolae Iorga, *Tradiție și inovație în artă*, Cuget, Clar, Noul Sămănător an II, nr. 25, 1937, p. 35.
- [18] Titu Popescu, *Specificul național în doctrinele estetice, românești*, Ed. Dacia, Cluj- napoca, 1977, p. 54.
- [19] To be seen, Ștefan Afloroaiei, *Cum este posibilă filosofia în Estul-Europei*, Ed. Polirom, Iași, 1977, p. 64; Virgil Nemoianu, *Mihai Șora și tradițiile filosofice românești*, postfață, *Despre dialogul interior*, Ed. Humanitas, București, 1996, p. 220.
- [20] To be seen, *Anuarul II*, Fundația Academică Petre Andrei, Iași, 1992 referitor la poziția lui Lucian Blaga față de creștinism și ortodixie, și *Anuarul III*, 1993, Lucian Blaga și Tradiția românească; Anton Dumitriu *Culturi eleate și culturi heraclitiene*, Ed Cartea Românească, București, 1987.
- [21] To be seen, Mihai Eminescu, *Opere, Vol. IX*, Ed. Academiei, București, 1980, p. 99.

# Considerations on the Incidence of Certain Legal Provisions Relating to the Guardianship of Minors in the Case of Adult Natural Persons Receiving Legal Advice or Guardianship

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## Abstract

The amendment of the Civil Code by Law No. 140/2022 brought important novelties in the field of the applicability of the legal provisions concerning the guardianship of minors in the case of persons with intellectual and psychosocial disabilities, persons who benefit from legal counselling or special guardianship. Under the current legal rules, unless the law provides otherwise, the provisions on guardianship of a minor who has reached the age of 14 also apply to a person receiving legal advice and those on guardianship of a minor under the age of 14 also to a person receiving special guardianship. In practice, the application of these legal provisions is subject to compliance with the decision of the guardianship court ordering the guardianship measure. Thus, pursuant to Article 168 para. (4) of the Civil Code, the guardianship court shall, in the decision establishing the legal counselling or special guardianship, determine, depending on the degree of autonomy of the person under guardianship and their specific needs, the categories of acts for which it is necessary to authorize their actions or, where appropriate, their representation. The court may order that the guardianship measure shall cover even only one category of actions. The court may also order that the protective measure shall relate only to the person of the protected person or only to their property.

*Keywords: legal advice, guardianship of a minor under 14, special guardianship, guardianship of a minor under 14, common law.*

## Preliminaries

In the meantime, the applicability of the regulations relating to the guardianship of minors as a matter of common law for the protection of an adult natural person placed under a judicial interdict or who, currently suffering from an intellectual or psychosocial deficiency, benefits from legal advice [1] or other form of protection, has followed an upward, mostly qualitative evolution, presented in the following study.

Law No. 140/2022 on some protection measures for persons with intellectual and psychosocial disabilities and amendment and completion of certain normative acts [2] has brought important new developments in the protection of the natural person of age. In contrast to the previous regulation, under which the natural person of age was protected by the measure of judicial prohibition or, in the alternative, by the establishment of a curatorship, he or she may now benefit from the measure of judicial counselling or special guardianship or curatorship or another measure provided for by law [3]. Other protection measures provided for by law, e.g. assistance with the conclusion of legal documents, are covered [4], the guardianship mandate [5] and the appointment of a personal representative [6].

In accordance with the requirements of Constitutional Court Decision No. 601/202 on the exception of unconstitutionality of the provisions of Article 164 para. (1) of the Civil Code [7], protective measures for the adult natural person are exceptional. This conclusion is supported by the requirement that they be provided for by law and, above all, by the general requirements for their application, laid down in Article 104 of the Civil Code [8].

The legal regime of the guardianship of the minor is the common law for the measure of legal advice and special guardianship. The extension of the scope of these regulations can be seen *in concreto* application of the principle of equality before the law, without privileges and without discrimination [9]. Basically, in terms of legal capacity, the person of full age who is receiving legal advice is in the same situation as the minor who has reached the age of 14, and the person who is receiving special guardianship is in the same situation as the minor who has not reached the age of 14. The former has restricted capacity [10], and the other lacks the capacity to exercise [11].

Even so, there are many significant differences between the guardianship of a minor and the guardianship of a person of full age under legal advice or special guardianship, which will be presented in the second part of the study.

### **Applicability of the Rules on Guardianship of Minors in the Case of Natural Persons Placed Under a Court Injunction Under the Family Code and the Current Civil Code Until the Date of its Amendment and Completion by Law No 140/2022**

Prior to the amendment and completion of the Civil Code by Law No 140/2022 [12], the rules concerning the guardianship of a minor who has not reached the age of 14 years have also been applied to the guardianship of a natural person under a court injunction, but only insofar as the law has not provided otherwise (Article 171 of the Civil Code). This regulatory solution has been taken over from the previous legislation [13] and was based on the fact that both the minor who had not attained the age of 14 and the natural person of full age who was under a judicial prohibition did not have the capacity to act [14].

The doctrine has identified some similarities, but also important differences between the guardianship of a minor under the age of 14 and the guardianship of an adult natural person [15] against whom a restraining order has been issued [16].

Among the similarities, the following were noted: the interest of the protected person was the decisive criterion in both forms of guardianship [17]; both guardians were legal representatives of the protected person and had the same powers in property matters [18]; the grounds for incompatibility with guardianship and the situations in which the person could refuse guardianship were identical; both guardians were appointed by the guardianship authority [19]; under both guardianships there was an obligation to draw up an inventory of the assets of the person in respect of whom the guardianship was established; both guardianships were, in principle, free of charge; the rules on the supervision of the exercise of the guardianship and on the liability of the guardian were the same under both guardianships.

Regarding the differences, they were identified in terms of the content and duration of the guardianship, the replacement of the guardian, the guardian's prerogatives and the termination of the guardianship.

With regard to the content of the guardianship, in both forms the guardian was forced to take care of the protected person. However, the purpose (aim) of the care was different [20]. In the case of the minor, the guardian was "...required to raise the child [21], taking care of his health and physical development, his education, teaching and vocational training, according to his abilities ..." [22]. In contrast, in the case of the person placed under a judicial restraining order, the guardian was forced to act to "hasten his recovery and improve his living conditions". The different purpose of the duty of care was determined by the different situation of the minor

compared to that of the person placed under a judicial interdict: the child, being deprived of parental care or, in his or her best interests, cannot be left in the care of the parents [23], is entitled to alternative protection, including guardianship; the person placed under a judicial prohibition, suffering from mental alienation or mental retardation, could not look after his or her own interests [24].

As regards duration, it was stated that, in the case of a minor under the age of 14, guardianship ceased on the date on which the causes which led to the institution of guardianship ceased to exist, in the present case, at least one of the parents is no longer in one of the situations which led to the institution of guardianship [25]. Instead, the guardianship of the injunction ceased on the date on which the court ordered the lifting of the injunction [26]. Contrary to what is claimed in the doctrine, a careful analysis shows that, in both cases, guardianship was in fact established for a fixed period of time. Basically, as a matter of principle, any special protection measure for a natural person ceases on the date on which the causes which led to its institution cease to exist.

The reasons for the replacement of the guardian have been different. Under the terms of Article 118 para. (3) of the Family Code, the minor's guardian was able to apply for replacement only if he or she was in one of the limited situations provided for in para. (2) [27]. On the other hand, the guardian of the person placed under a judicial interdict was entitled to request replacement after three years from the appointment, according to Art. 148 of the Family Code. (1) the person appointed guardian could not refuse this task or, in other words, because the guardianship of the minor was compulsory [28].

In terms of powers, it was stated that the guardian of the prohibited person had wider powers than the guardian of the minor. In the present case, it was noted that the guardian of the prohibited person "could participate in certain civil status actions concerning the person under his guardianship". The possibility for the guardian to initiate the following actions regulated by the Family Code was exemplified: establishment of filiation with the mother [Article 52(1)]; establishment of filiation with the father out of wedlock [Article 59(1)]; promotion of an action to establish paternity, but only with the authorization of the guardianship authority [Article 54(3)] [29]. An analysis of the legal provisions referred to confirms this doctrinal thesis only in the case provided for in Article 54(2) par (3) Family code [30]. Thus, if the husband of the child's mother was placed under a restraining order, the guardian could bring the paternity action, but only with the consent of the guardianship authority [31].

In relation to the termination of guardianship, it was held that "while guardianship of a minor ceases by operation of law, simply by the minor's reaching of age (in the case of a woman by marriage concluded before her eighteenth birthday) [32], the guardianship of the court-ordered person ceases only when the court judgment lifting the prohibition becomes final and irrevocable" [33]. In this respect, too, the fact that, in the case of guardianship of a person placed under a court injunction, the rules of guardianship of a minor who has not reached the age of 14 years were duly applicable was disregarded. Accordingly, the moment at which the guardianship of that minor, and not of any minor ceases, should have been determined. As stated above, the guardianship of a minor who has not reached the age of 14 years has ceased and ceases on the date on which the causes that imposed (require) its establishment disappear, in this case at least one of the parents is in a position to provide adequate care for the child.

Prior to the amendment and addition of art. 171 Civil code by art. 7 point 29 of the Law no. 140/2022, it was considered in the doctrine that it referred to "the rules contained in Chapter II Guardianship of the minor of Title III Protection of the natural person" [34]. However, it is noted that Article 171 of the Civil Code referred to "rules relating to the guardianship of a minor who has not attained the age of 14" without distinguishing the normative context in which these rules are placed in the Civil Code or other laws. As a matter of principle, therefore, all those legal provisions, regardless of where they were placed, which regulated various aspects relating



to the guardianship of minors under the age of 14 (without legal capacity) were applicable [35], as well as those which have considered the guardianship of the minor without distinguishing on the basis of age or capacity. Instead, *per a contrario*, the legal provisions regulating various aspects of the guardianship of a minor who has reached the age of 14 (with restricted capacity) are not applicable.

There are few cases where the Civil Code regulates *expressis verbis* various issues relating to the guardianship of a minor under the age of 14. For example, the provisions of Article 138 para. (1), [permission given to the minor by the guardianship court to change the type of education or vocational training received at the time of the establishment of the guardianship], Art. 143 (representation of the minor in legal acts by the guardian) and Art. 139 (obligation of the guardianship court to listen to the child who has reached the age of 10) are not applicable.

By contrast, cases in the second category are relatively numerous. By way of example, I shall mention: the exercise of guardianship in the interests of the minor (Article 133); the content of guardianship (Article 134); taking of measures by the guardian concerning the minor's person only with the opinion of the family council (Article 136); the minor's domicile and residence (Article 137); the inventory of the minor's property (Article 140).

*Per a contrario*, the legal provisions governing various aspects of the guardianship of a minor who has reached the age of 14 were not applicable to the guardianship of a person placed under a judicial prohibition order. For example, the provisions of Article 138 para. (2), [changing the type of teaching], of art. 146 (consent or authorization of the minor's actions) and of art. 155 of the Civil code (supporting a complaint against the actions or deeds of the guardian by a minor who has reached the age of 14) were not applicable.

### **Applicability of the Rules on the Guardianship of Minors in the Case of a Person Receiving Legal Advice or Special Guardianship after the Amendment and Completion of the Civil Code by Law No 140/2022**

#### ***Prior Mentions***

Currently, the legal provisions relating to the guardianship of a minor who has reached the age of 14 also apply to an adult natural person receiving legal advice and those relating to the guardianship of a minor who has not reached the age of 14 and a person receiving special guardianship, according to art. 171 para. (1), respectively para. (2) Civil code, as amended by art. 7 point 29 of the Law no. 140/2022. I reiterate that the person receiving legal advice, just like a minor who has reached the age of 14, has limited capacity to act [36]. On the other hand, a person with special guardianship, like a minor who has not reached the age of 14, does not have legal capacity [37].

However, in the cases provided for by the current provisions of Article 171 of the Civil Code, the rules on the guardianship of minors shall apply to a person who benefits from legal advice or special guardianship only if the law does not provide otherwise [38]. This clarification reinforces the special nature of the rules on legal advice and special guardianship in relation to those on guardianship of minors and the common law nature of the rules on guardianship of minors. The relationship between these categories of legal rules is governed by the rules deduced from the Latin adages *generalia specialibus non derogant* (what is general does not derogate from what is special), respectively *specialia generalibus derogant* (what is special derogates from what is general) [39].

Moreover, protective measures are not simply put in place. On the contrary, they are tailored to the degree of autonomy of the protected natural person and his or her specific needs [40]. Depending on these realities, the guardianship court determines the categories of acts for which the person's consent or, as the case may be, representation is required. The court may also order

that the guardianship measure should concern only one category of acts or relate only to the person of the protected person or only to his or her property [41]. The guardianship measure does not affect the capacity of the protected person to conclude legal acts for which the guardianship court has determined that the guardian's consent or, where applicable, representation is not required.

To summarize, if the natural person of full age benefits from legal advice, unless the law provides otherwise [42] and the court decision establishing the guardianship measure is complied with, those legal provisions which refer to the guardianship of a minor who has reached the age of 14 (with limited capacity to exercise rights) and those which refer to the guardianship of a minor without distinguishing between the age of the minor or the level of his/her capacity to exercise rights shall apply accordingly. On the other hand, legal provisions governing various aspects of guardianship of a minor who has not reached the age of 14 (lacking legal capacity) are not applicable, since the application of these legal provisions would disregard the limited capacity of the individual receiving legal advice.

If the person has special guardianship, the legal provisions governing the guardianship of a minor who has not attained the age of 14 (lacking legal capacity), as well as those governing the guardianship of a minor without distinction as to age or level of legal capacity, shall apply accordingly. On the other hand, the legal provisions governing guardianship of a minor who has reached the age of 14 (with restricted capacity) are not applicable. Here again, the applicability of these legal provisions is conditional on the law not providing otherwise [43] and are in conformity with those decided by the guardianship court in the decision establishing the protective measure.

I reiterate that the incidence of the legal provisions, including those of common law, is conditional on those established by the guardianship court in the decision establishing the protective measure. For example, if the guardianship court has decided that the guardianship measure only concerns the person's property or that representation or authorization is required only for legal acts of disposal concerning the person's property, the legal provisions relating to the protected person, i.e. those concerning legal acts of administration or conservation of property, do not apply. In this respect, Article 168 para (5) of the Civil Code provides that “if the guardianship court proceeds according to para. (4), the order of the guardianship measure shall not affect the capacity of the protected person to conclude legal acts for which the court has determined that the guardian's consent or, where appropriate, his representation is not required” [44].

Subject to compliance with what the guardianship court has decided in the judgment establishing the guardianship measure, the legal provisions governing *expressis verbis* various aspects relating to the protection of the person receiving legal advice or special guardianship.

For example, only the following provisions of the Civil Code apply to legal advice: art. 164 para. (2) and (3) [special conditions for the establishment of legal aid]; art. 168 para. (2) [the 3-year period for which the measure may be ordered]; art. 171 par. (1) [the application of guardianship rules to a minor who has reached the age of 14]; 172 para. (3) [the validity of testamentary dispositions made by the protected person after the institution of legal aid, but subject to authorization or confirmation by the guardianship court].

Instead, only the following are applicable to a person with special guardianship, for example: art. 164 para. (4)-(6) [special conditions for the establishment of special guardianship]; art. 168 para. (3) [the five-year period for which the measure may be ordered and the conditions under which it may be extended]; art. 171 para. (2) [the application of guardianship rules to minors under 14 years of age]; art. 175 [gifts received by descendants of the person having special guardianship]; art. art. 176 [a minor under special guardianship].

The Civil Code contains a relatively large number of provisions governing various aspects of both guardianship measures (legal advice and special guardianship). The provisions in this

category are applicable provided they are not contrary to those relating to *expressis verbis* to legal advice or special guardianship, but before those governing the guardianship of minors who have reached the age of 14 or those who have not.

The provisions of the Civil Code in this category show that there are important differences between the guardianship of the minor and the guardianship measure of legal counsel, i.e. special guardianship, as follows: the general conditions for the establishment of guardianship measures; the persons who may request the establishment of measures; the appointment of the guardian; the appointment of the special guardian; the procedure and duration of the measure; the enforceability against third parties of the guardianship measure; the appointment of the guardian; the annulment of acts concluded by the person benefiting from judicial advice or special guardianship; the replacement of the guardian; the obligations of the guardian; the termination of the guardianship measure.

### ***General Conditions for the Establishment of Protective Measures***

For the establishment of the protective measure of legal aid or special guardianship, according to art. 164 para. (1) Civil code, the following conditions must be cumulatively met: the natural person of full age is unable to take care of his or her own interests because of a temporary or permanent, partial or permanent impairment of mental faculties; because of the impairment of mental faculties, the person needs support in forming and expressing his or her will; the impairment of mental faculties is established following a medical and psychosocial assessment [45]; the measure is necessary for the exercise of the person's civil capacity [46], on equal terms. Determining whether those conditions are *de facto* met is a matter for the guardianship court, in this case the court in whose territorial jurisdiction the protected person's domicile or residence is situated [47].

Essentially, these care measures are put in place if the person of full age is unable to look after his or her own interests due to a deterioration in mental faculties. On the other hand, a minor is protected by guardianship if he or she is temporarily or permanently deprived of parental care or if it is not in his or her best interests to be left in the care of his or her parents, according to art. 44 of the Law no. 272/2004 [48]. Situations in which the child is deprived of parental care are provided for by art. 110 Civil code [49]. I stress that guardianship is, together with special protection measures and adoption, a form of alternative protection a child deprived of parental care is entitled to [50].

In the light of the above, it can be seen that the establishment of legal advice and special guardianship is determined by an essentially different cause from the cause requiring the guardianship of the minor.

### ***Persons Who May Apply for the Establishment of the Protective Measure***

There are also important differences in terms of who can apply for the protective measure. Therefore, art. 165 Civil code [51] after mentioning the person in need of protection, his spouse and his relatives, his relatives and the person living with him, it refers to “the other persons, bodies, institutions or authorities referred to in Article 111, which shall apply accordingly”.

I believe that the important novelty brought by Article 165, in relation to art. 111 Civil code [52], is the possibility to request the establishment of the protection measure by the person in need of protection himself. This is a fair regulatory solution, as it is usually the sick person who is best placed to assess whether or not he or she needs special protection, including the establishment of legal advice or special guardianship.

Instead, the naming of the spouse, relatives, relatives and persons with whom that person lives only serves to particularize the provision in the content of art. 111 Civil code relating to “close relatives” of the person in need of care [letter a)].

An important aspect, which can give rise to different interpretations, is the taking over of the dispositive character of the text of art. 165 Civil code, as it was drafted before the amendment, without noting that art. 111 Civil code establishes an obligation for the persons, institutions and authorities concerned to notify the guardianship court of the existence of a child without parental care. However, under the conditions of art. 165 Civil code, the persons, institutions and authorities listed in Article 111 are only given the possibility of notifying the guardianship court of the existence of a person in need of protection through legal advice or special guardianship. This solution was probably chosen for reasons relating to the normative unity of the provisions of art. 265 Civil code.

However, the common basis of the two legal rules cannot be ignored: the existence of a person in need of protection. We consider it reasonable that, *de lege ferenda*, the text of art. 165 Civil code to be redrafted, to the effect that it imposes an obligation on the persons, bodies, institutions and authorities concerned to notify the guardianship court. A person in need of protection could be exempted. In concrete terms, Article 165 could read as follows: “The spouse, relatives, relatives in affinity and those living with the person in need of care, as well as the other persons, bodies, institutions and authorities referred to in Article 111, which shall apply accordingly, shall be under an obligation to apply for the establishment of legal advice or special guardianship” (thesis I). “The measure can be requested by the person in need of protection.”

### ***Appointing the Guardian***

Appointment of the guardian, even if it has as common law the provisions of art. 114 para. (3)-(5) Civil code [53], it marks, according to art. 166 para. (1) Civil code [54], some novel aspects. Thus, the right of any adult person to designate by unilateral act or agreement, concluded in authentic form, the person to be appointed guardian to take care of him/her and/or his/her property in the event of his/her being placed under judicial advice or special guardianship is recognized.

At common law, the right to designate the person of the guardian is recognized under art. 114 para. (1) Civil code, only to the parent. The parent, unlike the person of full age to be granted guardianship, can also appoint a guardian for his or her child by will.

### ***Appointment of a Special Curator***

According to art. 167 Civil code [55], if necessary, pending the decision on the application for legal aid or special guardianship, the guardianship court may appoint a special guardian for the care and representation of the person whose guardianship is sought and for the administration of his property. With the exception of the replacement of the expression 'placing under a judicial interdict' by 'the establishment of judicial advice or special guardianship', the current text of art. 167 Civil code [56] reproduced the previous text.

At common law, in the procedure for appointing a guardian, the guardianship court is empowered to appoint a special guardian in accordance with art. 119 para. (6) Civil code. The special regulation is more detailed in that it sets out the role of the special guardian: caring for and representing the person whose care is sought [57], respectively the administration of its assets.

### ***Procedure for the Establishment of Protective Measures***

In relation to the procedure for dealing with an application for a protective measure, under the conditions of art. 168 para. (1) Civil code, it is subject to “... the provisions of the Civil Procedure Code”. Art. 936-943 Civil procedure code are devoted to the procedure for the establishment of legal advice and special guardianship [58], and art. 943<sup>1</sup>-943<sup>7</sup> for granting of the protection order [59].

Art. 527 Civil procedure code provides that “applications for protective measures” shall be dealt with under the non-litigious procedure. Clearly, an application for legal advice or special guardianship is an application for 'protective measures'. As a result, the application for the institution of such protective measures is subject to the provisions of art. 936-943 Civil procedure code (*the procedure for the establishment of legal advice or special guardianship*) and, if they do not contain contentious elements, shall be duly completed with the provisions of art. 527-537 Civil procedure code (non-litigious judicial procedure).

Other provisions of the Code of Civil Procedure are also relevant in this matter, as they concern various procedural aspects of taking protective measures. For example, art. 114 para. (1) Civil procedure code provides for the special territorial jurisdiction of the guardianship court in whose territorial jurisdiction the person's domicile or residence is situated in the case of applications relating to the protection of a natural person, and art. 226 Civil procedure code lays down special rules on the hearing of adults and minors in care [60].

We reiterate that, by the decision establishing the judicial counselling or the special guardianship, the guardianship court is forced to determine, according to the degree of autonomy of the person protected and his/her specific needs, the categories of actions for which it is necessary to grant his/her acts or, as the case may be, his/her representation. The guardianship court may order that only a specific category of acts be covered by the measure. The guardianship court may also order that the protective measure shall relate only to the protected person or only to his or her property. The guardianship measure shall not affect the capacity of the protected person to perform legal acts for which the court has determined that the guardian's consent or, where appropriate, representation is not required.

As novelty, according to art. 168 para. (6) Civil code [61], the guardian or the representative of the protected person undertakes to refer the matter to the guardianship court whenever he or she finds that there are circumstances justifying a reassessment of the measure. They are also forced to refer the matter to the guardianship court at least 6 months before the expiry of the period for which the measure has been ordered, with a view to its reassessment. It is the duty of the guardianship authority to check that this duty is fulfilled. If the guardian or the representative of the protected person fails to fulfil this obligation, the guardianship authority shall itself refer the matter to the guardianship court. Following the referral of an application for a reassessment of the care measure, the guardianship court may order the extension, replacement or lifting of the measure. Requests for reassessment are dealt with following the procedure for the establishment of protective measures.

These rules are designed to avoid situations where, even if the person is in fact capable of looking after his or her own interests, in law, having legal advice or special guardianship, he or she has limited capacity to act or lacks capacity to act and, as a result, his or her legal acts must be approved or authorized by the persons or authorities provided for by law or may be concluded only by his or her legal representative.

In the context of the regulations on the guardianship of minors, there is no text such as that of art. 168 para. (1) Civil code. As a result, the application for guardianship of the minor is subject to the provisions of the Civil Procedure Code on non-contentious proceedings (Articles 527-537), which are supplemented by the ordinary contentious procedure (art. 192-526) [62].

However, if the claim is contentious [63], the rules governing the ordinary contentious procedure are directly applicable [64].

### ***Appointing the Guardian***

The appointment of the person who will act as guardian for the protected person of full age shall also, in accordance with art. 170 Civil code [65], present important differences.

In the absence of an appointed guardian, the guardianship court shall give priority to appointing a spouse, parent, relative, friend or person living with the one protected, as guardian [66]. Regardless of the quality of the person, they must be able to perform this task. In making the appointment, account shall be taken, where appropriate, of the person's ties of affection, personal relations, material circumstances, the moral guarantees offered by the person to be appointed guardian and the proximity of their homes or residences. When appointing the guardian, the guardianship court shall also take into account the preferences expressed by the person protected, his or her habitual relations, the interest shown in his or her person, any recommendations made by persons close to him or her and the absence of any conflicting interests with the person protected.

I emphasize that, at common law, according to art. 118 Civil code, in the absence of an appointed guardian, the guardianship court shall give priority to appointing as guardian a relative or relative's relative or a friend of the minor's family who is capable of performing this task, taking into account, where appropriate, personal relationships, proximity of residence, material conditions and moral guarantees offered by the person appointed guardian.

It can be considered that, with the exception of certain aspects determined by the particular situation of the adult protected, the requirements for the appointment of a guardian are more nuanced than those for the appointment of a guardian for a minor deprived of parental care (the preferences expressed by the ward, his or her habitual relations, the interest shown in his or her person, the recommendations made by persons close to him or her, the absence of conflicting interests with the ward).

### ***Annulment of Legal Acts Concluded by the Protected Person***

With regard to acts concluded by the person receiving legal advice or special guardianship, art. 172 Civil code [67], comes with some novelties, both in relation to the previous wording [68], and the common law regulation.

Currently, art. 172 Civil code extends the exception of the voidability of acts to those provided for by art. 41 para. (3) Civil code, as well as those authorized by the guardianship court. Obviously, the exemption of the acts provided for by art. 41 para. (3) Civil code is determined by the fact that they can be validly concluded by a person with restricted capacity. I reiterate that under art. 41 para. (1<sup>1</sup>) Civil code, the person receiving legal advice has restricted capacity. On the other hand, acts authorized by the guardianship court, whether they are concluded by the protected person or by his legal representative or with his consent, may be annulled by the institution of legal proceedings against the decision of the court by which they were authorized. In this respect, the aim was to avoid the existence of two legal remedies for the abolition of these acts.

According to art. 172 para. (1) Civil code, the possibility of the annulment of legal acts concluded by the person benefiting from legal advice or special guardianship other than those provided for by art. 41 para. (3) and art. 43 para. (3) [69], as well as those authorized by the guardianship court, there is the provision for the alternative of reducing the benefits arising therefrom. The annulment of legal acts or the reduction of benefits may be ordered even without

proof of harm and even if the person protected was in possession of a reasonable mind at the time of their conclusion.

On the other hand, legal acts concluded before the institution of legal advice or special guardianship may be annulled or the benefits arising therefrom reduced only if, at the time they were concluded, the lack of a reasonable mind was known to the other party, according to art. 172 para. (2) Civil code.

At common law, under the conditions of art. 146 Civil code, legal acts entered into by a minor with limited legal capacity under guardianship without the consent of the guardian or curator or, where applicable, without the authorization of the guardianship court and the opinion of the family council, are voidable [70]. Also, according to art. 147 para. (1) Civil code, legal acts concluded by the guardian or the spouse, a relative in the direct line or brothers or sisters of the guardian, on the one hand, and the minor, on the other, are voidable [71]. However, in the case of a minor without legal capacity, his legal acts are concluded by his guardian (by way of representation) according to art. 143-145 Civil code.

Clearly, and under common law, the provisions of art. 146 and the following of the Civil code must be corroborated with the provisions of art. 41 para. (3), respectively with that of art. 43 par. (3) Civil code. As a result, and in matters of guardianship of minors, the legal acts listed by art. 41 para. (3), respectively art. 43 para. (3) Civil code. As a matter of principle, it is unacceptable that, in one area of law, the conclusion of legal acts is permitted and in another it is penalized.

### ***Replacing the Guardian***

In this respect, too, there are important differences.

Under the common law, the minor's guardian can be replaced if he or she is in one of the situations provided for by art. 120 para. (2), according to art. 121 Civil code.

On the other hand, in the case of guardianship through legal advice or special guardianship, according to art. 173 Civil code [72], the guardian has the right to ask for his or her replacement after 3 years of appointment. For good cause, the guardian may also request his or her replacement before the 3-year period has expired. Basically, with the exception of the replacement of the expression “guardian of a person subject to a judicial prohibition” by the expression “guardian of the protected person”, the previous regulation has been taken over.

### ***Obligations of the Guardian***

Art. 174 Civil code, being devoted to the obligations of the guardian of the protected person, contains many important new features compared to the previous regulation [73].

We reiterate that, just like the guardian of the minor, the guardian of the person receiving legal advice or special guardianship has the obligation “to take care of the person being looked after”. The purpose of this important duty is to: speed up recovery; restore autonomy; improve living conditions; ensure moral and material well-being. In fulfilling this duty, the guardian must take into account the condition and abilities of the person being cared for, the degree of incapacity and other circumstances.

In order to fulfil the duty of care, the guardian may use the income and, if necessary, all the assets of the person under guardianship. Exceptions are family heirlooms, personal belongings, and property indispensable to the ward or necessary for his care. These shall be kept at the disposal of the cared-for person by the representative or legal guardian and, where appropriate, the institution in which he is cared for [74].

Art. 174 para. (4) Civil code lists the guardian's most important duties towards the ward: to take into account, as a matter of priority, the wishes, preferences, and needs of the person under

guardianship, to give him/her the necessary support in forming and expressing his/her wishes and to encourage him/her to exercise his/her rights and fulfil his/her obligations on his/her own; to cooperate with the person under guardianship and to respect his/her privacy and dignity; ensure and enable, where possible, that the protected person is informed and made aware, in ways appropriate to his or her condition, of all acts and facts which may affect him or her, of their usefulness and urgency, and of the consequences of a refusal by the protected person to conclude them; to take all necessary measures for the protection and realization of the rights of the protected person; to cooperate with natural and legal persons with duties in the care of the protected person; to maintain, as far as possible, a personal relationship with the protected person; in cases provided for by law, to take the necessary steps for the preparation of medical and psychological assessment reports of the protected person and the referral to the guardianship court.

According to art. 174 para. (7) Civil code, the guardian does not have the right to prevent correspondence, social relations or the choice of profession of the person under guardianship. Disputes between the guardian and the protected person shall be settled by the guardianship court, in this case the court in whose territorial jurisdiction the person receiving legal advice or special guardianship is domiciled or resides. The hearing of the protected person is compulsory.

## REFERENCES

- [1] Judicial counselling should not be confused with legal counselling. Under the current regulations, judicial counselling is a protective measure for an adult natural person who suffers from a partial deterioration of his/her mental faculties and who needs continuous counselling for the exercise of his/her rights and freedoms (Art. 164 para. (2) Civil Code as amended by Art. 7, para. 22 of Law 140/2022]. The guardianship court is obliged to appoint, in the decision establishing the guardianship measure, the person who will exercise the function of guardian from the date of finality of the decision, in accordance with Article 170 para. (1) thesis I of the Civil Code. In other words, the person receiving legal advice is protected by a guardian appointed by the guardianship court in accordance with Articles 114-117, 119, 120 and 170 of the Civil Code. Legal advice, on the other hand, is an activity carried out, as a rule, by individuals with higher legal training (lawyers, legal advisers, etc.) to provide legal advice to other natural or legal persons with a view to promoting or defending their rights and freedoms. Legal advice is also essentially different from 'legal aid'. According to Articles 90 and 91 of the Civil Procedure Code, legal aid is a means of supporting persons who lack the material resources to meet the costs of initiating and supporting a civil lawsuit. It consists mainly of the granting of exemptions, reductions, deferrals or postponements for the payment of legal fees, defense and free assistance by a lawyer appointed by the court.
- a. Published in the Romanian Official Gazette, Part I, no. 500 of May 20<sup>th</sup>, 2022.
  - b. Art. 106 para. (2) Civil code. (amended by art. 7 point 13 of the Law no. 140/2022).
  - c. Art. 1-6 of the Law no. 140/2022.
  - d. Art. 166 alin. (2) C. civ. (modificat de art. 7 pct. 24 din Legea nr. 140/2022).
  - e. Art. 170 para. (3) Civil code (amended by art. 7 point 28 of the Law no. 140/2022).
  - f. Published in the Romanian Official Gazette, Part I, no. 88 of January 27<sup>th</sup>, 2021.
  - g. Art. 104 Civil code was amended and completed by art. 7 point 12 of the Law no. 140/2022.
  - h. Art. 16 para. (1) of the Constitution.
  - i. Art. 41 para. (1<sup>1</sup>) Civil code (introduced by art. 7 point 1 of the Law no. 140/2022).
  - j. Art. 43 para. (1) letter b) Civil code [amended by art. 7 point 5 of the Law no. 140/2022. Prior to amendment, art. 43 para. (1) letter b) Civil code referred to “injunction”].
  - k. According to Article 26 para. (1), Law No 140/2022 entered into force 90 days after the date of publication in the Official Gazette, in this case from August 19<sup>th</sup>, 2022. By way of exception, the provisions of Article 20 para. (6) third thesis and Article 23 of Law No 140/2022 entered into force three days after the date of its publication. Art. 20 para. (6), third sentence, requires the presidents of the courts to take measures to draw up, within 90 days of the publication of Law No 140/2022, an inventory of the files in which the measure of prohibition has been ordered, and Art. 23 refers to the drafting and approval of the Methodology of medical and psychological assessment by order of the Minister of Health and the Minister of Labour and Social Solidarity within 90 days of the publication of Law No 140/2022. On the other hand, the provisions of



Article 118 para. (2) and Art. 170 para. (3) of Law No 287/2009 on the Civil Code, as amended and supplemented by Law No 140/2022, will enter into force on the date laid down in the special law on personal representatives, in accordance with Article 26 para. (2) of this law. Art. 118 para. (2) and Art. 170 para. (3) lay down the conditions under which the guardianship court may appoint a personal representative for the minor without parental care, i.e. for the person receiving legal advice or special guardianship.

- l. Art. 147 of the Law no. 4/1953 on the Family Code [published in the Romanian Official Gazette, Part I, no. 1 from January 4<sup>th</sup>, 1954 and republished in no. 13 from April 18<sup>th</sup>, 1956, being expressly and completely repealed by art. 230 letter m) of the Law no. 71/2011 for the enforcement of the Law no. 287/2011 on the Civil code (published in the Romanian Official Gazette, Part I, no. 409 of June 10<sup>th</sup>, 2011)].
  - m. Art. 11 para. (1) letter a), respectively letter b) of the Decree no. 31/1954 concerning natural and legal persons [published in the Romanian Official Gazette, Part I, no. 8 of January 30<sup>th</sup>, 1954, being expressly and completely repealed by art. 230 letter n) of the Law no. 71/2011].
  - n. Under the Family Code and the current Civil Code (until its amendment by Law No. 140/2022), the main effect of placing the adult natural person under a judicial interdict was to establish guardianship [see art. 145 para. (1) Family code, respectively art. 170 Civil code].
- [2] See: Bîcu V. (2016). *Ocotirea bolnavului psihic prin interdicția judecătorească*, in *Drept civil. Persoanele*, by Nicolae M. (coordinator), Bîcu V., Ilie G. – Al., Rizoiu R. Universul Juridic Publishing House, Bucharest, p. 249-250; Lupan E., Sabău-Pop I. (2007). *Tratat de drept civil*, Vol. II, Persoanele, C. H. Beck Publishing House, Bucharest, p. 232-233; Tudorică, A. (2014). *Despre persoane. Ocrotirea persoanei fizice*, in *Noul Cod civil. Comentariu pe articole*, by Baias Fl., Chelaru E., Constantinovici R., Macovei I. (coordinators), 2nd edition, reviewed and supplemented, C. H. Beck Publishing House, Bucharest, p. 174; Ungureanu O., Munteanu C. (2013). *Drept civil. Persoanele*, 2nd edition, reviewed and supplemented, Hamangiu Publishing House, Bucharest, p. 292.
- [3] Under the current Civil Code, the promotion of the interest of the protected person is not specific to guardianship, but to all forms of guardianship of the natural person. Therefore, according to art. 104 para. (1) Civil code, “any measure of protection of the natural person shall be determined solely in his or her interests”.
- [4] Art. 105 para. (3) Family code., being placed in the context of the regulations on the rights and duties of parents towards their minor children (art. 97-112), provided that “the provisions of Section II of this Chapter shall apply mutatis mutandis. However, the inventory provided for in Article 126 shall not be drawn up if the child has no property other than personal property”. Section II of Chapter II (Guardianship of minors) of Title III (Guardianship of persons lacking capacity, persons with limited capacity and other persons) has regulated guardianship of minors (Articles 113-141). I stress that Article 105 of the Family Code has been enshrined in the right and duty of parents to administer the property of their minor child, to represent him/her in legal acts until he/she reaches the age of 14 and to grant them after this age. With some non-essential differences, the provisions of art. 105 para. (1) and (2) of the Family code were taken-over by art. 501 Civil code (management of the assets of the minor), and those of para. (3) by art. 502 Civil code (other applicable provisions).
- [5] Art. 116, respectively art. 145 para. (1) Family code. After the entry into force of Law No. 272/2004 on the protection and support of the rights of the child (published in the Romanian Official Gazette, Part I, no. 557 of June 23<sup>rd</sup>, 2004 and republished in no. 159 of March 5<sup>th</sup>, 2014), the establishment of the child's (minor's) guardianship has been given within the jurisdiction of the court in whose territorial jurisdiction the child resides or has been found (art. 45), in this case of the court (according to art. 1 point 1 of the previous Code of Civil Procedure). Until October 1<sup>st</sup>, 2011, when the current Civil Code came into force [according to art. 220 para. (1) of the Law no. 71/2011)], the establishment of guardianship in respect of a person placed under a judicial interdict remained within the competence of the guardianship authority, according to art. 145 para. (1) Family code. After October 1<sup>st</sup>, 2011, both the establishment of the guardianship of the minor and the guardianship of the person placed under a judicial interdict fell within the jurisdiction of the guardianship court (according to art. 118, respectively art. 170 Civil code), in this case of the court in whose territorial jurisdiction the protected person is domiciled or resides [according to art. 107 para. (1) and art. 265 Civil code corroborated with art. 94 point 1 letter a) and art. 114 para (1) Civil procedure code] (for details on the jurisdiction of the guardianship authority under the Family Code, see Moloman B. D. (2014). *Considerații privind competența autorității tutelare sub auspiciile noilor reglementări legale*, in *Pandectele Române*, no. 7/2014, p. 61 and the following).
- [6] Art. 123, respectively art. 149 para. (1) Family code.
- [7] For some details on the parents' obligation to bring up the child, see Bodoașcă T. (2021). *Dreptul familiei*, 5<sup>th</sup> editions, reviewed and supplemented, Universul Juridic Publishing House, Bucharest, p. 527.

- [8] The doctrine considers that the wording “in accordance with the aims of the socialist state, in order to make it useful to the community”, from the end of art. 123 par. (2) Family code, “has been expressly repealed, indirectly by art. 150 para. (1) of the Romanian Constitutions” (note to art. 123 and art. 101 Family code, in *Codices. Legislația familiei*, by Avram M. & Baias Fl. (2001). 3<sup>rd</sup> edition, All Beck Publishing House, Bucharest, p. 37 and 123). Following the review, art. 150 of the Constitution became art. 154. I underline the fact that the text of art. 150 para. (1) was not reviewed, being taken *ad litteram* by art. 154 par. (1) of the Constitution. It states that “laws and all other legislative acts shall remain in force insofar as they do not contravene this Constitution”. The text reproduced is intended to ensure “the adaptation of the Romanian regulatory system to the new values and requirements introduced by the Fundamental Law, its application in practice has contributed decisively to the removal from national legislation of obsolete or outdated normative acts or provisions inspired by an outdated legal philosophy”. (Popescu S. & Tănăsescu E. S. (2008). *Comentariu la art. 154 din Constituție*, in *Romanian Constitution. Comentariu pe articole*, by Muraru I., Tănăsescu E. S. (coordinators) and collective, C. H. Beck Publishing House, Bucharest, p. 1467-1468). Analysis of provisions of art. 1 of the Constitution (Romanian State) supports the implicit repeal of the term 'socialist state' from the date of entry into force of the current Constitution (December 8<sup>th</sup>, 1991, according to art. 153).
- [9] Art. 113 Family code, respectively art. 44 para. (1) and (2) of the Law no. 272/2004. The possibility of establishing guardianship where, in the child's best interests, the child cannot be left in the care of the parents was introduced by art. 44 para. (1) of the Law no. 272/2004.
- [10] Art. 164 para. (1) Civil code.
- [11] In the context of the presentation of these differences, it has been held in the doctrine that the guardianship of the minor ends, “naturally, on reaching the age of eighteen”. (see Lupan E. & Sabău-Pop I. *op. cit.*, p. 232). In fact, in the case under consideration, this general ground for the termination of the guardianship of the minor cannot be accepted, since the rules in question are those governing the guardianship of a minor who has not reached the age of 14 and not of any minor.
- [12] Art. 151 Family code.
- [13] These situations, taken over in the current Civil Code as grounds for refusal to continue the guardianship task (art. 120), were: the guardian was over sixty years of age; the female guardian was pregnant or the mother of a child under eight years of age; the guardian was raising or educating two or more children; the guardian was exercising another guardianship or curatorship; because of illness, infirmity, the nature of the occupation, the distance of the residence from the place where the minor's property is located or for other good reasons, the guardian was unable to perform this task.
- [14] For doctrinal analysis of the obligation of guardianship in the Family Code, see: Ionașcu, Tr. (1963). *Ocotirea minorului*, in *Persoana fizică în dreptul R.P.R.* by Ionașcu Tr. (coordinator) and collective, Academiei Republicii Populare Române Publishing House, Bucharest, p. 195; Lupan E. & Sabău-Pop I. *op. cit.*, p. 208-209; Stătescu C. (1970). *Drept civil. Persoana fizică. Persoana juridică. Drepturile reale, Didactică și Pedagogică Publishing House*, Bucharest, p. 283; Ursa, V. (1980). *Ocotirea minorilor prin tutelă*, in *Filiația și ocotirea minorilor* by Ionașcu A., Costin M., Mureșan M., Ursa V. (1980). Dacia Publishing House, Cluj-Napoca, p. 240.
- [15] Lupan E. & Sabău-Pop I. *op. cit.*, p. 232.
- [16] According to art. 52 para. (1) Family code, the action to establish filiation with the mother could be brought by the child's legal representative, if the child was a minor or under a court injunction. Obviously, the legal representative of the child who had not reached the age of 14 but was without parental care and of the person placed under a judicial interdict was the guardian. Pursuant to Article 59 para. (1) of the Family Code, the action to establish paternity out of wedlock belonged to the child and was brought on his behalf by the mother, even if she was a minor, or by his legal representative. In this case, as the legal representative, the powers of the guardian of the minor who had not reached the age of 14 were greater than those of the guardian of the adult natural person protected by a court injunction.
- [17] Art. 54 was amended and added by art. I point 2 of the Law n. 288/2007 for the amendment of the Law no. 4/1953 – Family code (published in the Romanian Official Gazette, Part I, no. 795 of November 5<sup>th</sup>, 2007). Para. (2) conferred legal standing in the paternity action on both spouses and the child. The heirs of the holders also had the possibility of pursuing the action. Para. (5) gave the guardian the right to bring the action on behalf of the holder who was under a judicial prohibition.
- [18] Currently, this distinction is no longer relevant, since, under the terms of art. 272 Civil Code, under the aspect of marriageable age, men and women are subject to the same legal conditions. In the regulation of the Family Code, because the man could marry only after reaching the age of 18, and the woman from the age of 16 or, under certain conditions, from the age of 15, it constituted discrimination for the man, contrary to the principle of equality before the law [art. 16 para. (1) of the Constitution].
- [19] Lupan E. & Sabău-Pop I. *op. cit.*, p. 232-233. On the same note, see: Tudorică A. *op. cit.*, p. 174; Ungureanu, O. & Munteanu, C. *op. cit.*, p. 292.

- [20] Tudorică A. *op. cit.*, p. 174.
- [21] For example, the provisions of art. 43 Civil code (lack of exercise capacity), as well as those of art. 44 Civil code [the nullity of legal acts concluded by a person lacking legal capacity, other than those provided for by art. 41 par. (3) and art. 43 para. (3)]. These provisions are placed in Section 2 (capacity to exercise) from Chapter 1 (civil capacity of the natural person) of Title I (general provisions) of Book I (about persons).
- [22] Art. 41 para. (11) Civil code (introduced by art. 7 point 1 of the Law no. 140/2022).
- [23] Art. 43 para. (1) letter b) [amended by art. 7 point 5 of the Law no. 140/2022].
- [24] Art. 171 para. (1) and (2) Civil code.
- [25] For details on the interpretation of these adages, see Deleanu I. & Deleanu S. (2000). *Mică enciclopedie a dreptului. Adagii și locuțiuni latine în dreptul românesc*, Dacia Publishing House, Cluj-Napoca, p. 137, respectively p. 384.
- [26] Art. 168 para. (4) and (5) Civil code (introduced by art. 7 point 26 of the Law no. 140/2022).
- [27] For details, see Merdariu A. (2021). *Considerații privind consilierea judiciară și tutela specială în lumina proiectului de modificare a Noului Cod civil* [accessible at the web address: <https://www.juridice.ro/743360/consideratii-privind-consilierea-judiciara-si-tutela-speciala-in-lumina-proiectului-de-modificare-a-noului-cod-civil.html> (Accessed on November 11th, 2022)].
- [28] For example, in the case of legal advice or special guardianship the provisions of art. 114 par. (1) [appointment of the guardian by the parent] and para. (2) Civil code (the invalidity of the act appointing the guardian by the parent) do not apply, due to the fact that art. 166 para. (1) thesis I of the Civil code provides otherwise. Specifically, it provides that “any person having full legal capacity may designate by unilateral act or agreement, concluded in authentic form, the person to be appointed guardian to take care of them and their property in the event of being placed under judicial advice or special guardianship”. In fact, art. 166 para. (1) thesis of the Civil code provides that only the provisions of art. 114 para. (3)-(5) Civil code apply appropriately in matters of legal advice or special guardianship (art. 166 was amended by art. 7 point 24 of the Law no. 140/2022).
- [29] For example, the provisions of art. 118 Civil code (appointment of the guardian by the guardianship court) are not applicable, due to the fact that art. 170 Civil code (appointing the guardian) lays down special rules for the appointment of the guardian and, in any case, does not refer to the provisions of this Article, but only to the art. 114-117, art. 119 and art. 120 Civil code (which shall apply accordingly).
- [30] I point out that the provisions of para. (5) are not correlated with those of para. (4). While para. (4) provides that the court shall determine “... the categories of acts for which it is necessary to have its acts attested or, where appropriate, represented”, para. (5) it concerns “legal acts for which the court has determined that the guardian's consent or, where appropriate, representation is not required”. In order to avoid different interpretations on this issue, we consider it appropriate that, *de lege ferenda*, the texts of these paragraphs be brought into harmony. Since the state of capacity of the person is the rule, we advocate the solution that, in the decision establishing the guardianship measure, the guardianship court should name the legal acts for which the protected person needs representation or authorization, as the case may be. *Per a contrario*, for legal acts not named in the guardianship court's decision, the protected person has full capacity, in the sense that he or she does not need to be represented or have his or her legal acts granted or authorized. The repetition of the word 'acts' in the paragraph (5) should also be deleted.
- [31] According to art. 23 of the Law no. 140/2022, the Ministry of Health together with the Ministry of Labour and Social Solidarity had the obligation to approve, by joint order, the Methodology of medical and psychological assessment “within 90 days from the date of publication” of this law in the Romanian Official Gazette, Part I, in this case, until August 19th, 2022. At the time of this study, this order had not yet been approved. A draft of this order is under public discussion on the website of the Ministry of Health [accessible on the website: <https://www.ms.ro/2022/09/22/proiectul-de-ordin-privind-aprobarea-metodologiei-de-evalua-re-medicala-si-psihologica-a-persoanelor-cu-dizabilitati-intelectuale-si-psiho-sociale-in-contextul-dispunerii-prelungirii-inlocuirii-sau-ri/> (accessed on November 15th, 2022)].
- [32] It is observed that art. 164 para. (1) Civil code refers to “the exercise of his civil capacity”, which means that only the civil capacity of the person suffering from an impairment of mental faculties is at stake. As stated above, the person receiving legal advice has limited capacity to act and the person receiving special guardianship lacks capacity to act.
- [33] Art. 107 para. (1) and art. 265 Civil code corroborated with art. 94, point 1 letter a) and art. 114 para. (1) Civil code in relation to art. 229 para. (2) letter a) of the Law no. 71/2011.
- [34] For details on the conditions for establishing guardianship of the child, see Bodoaşcă, T. (2005). *Contribuții la studiul condițiilor în care poate fi instituită tutela copilului în reglementarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului*, in *Dreptul*, no. 3/2005, p. 52-68.
- [35] Art. 110 Civil code was amended by art. 7 point 14 of the Law no. 140/2022.
- [36] See art. 44 para. (2) of the Law no. 272/2004.

- [37] Amended by art. 7 point 23 of the Law no. 140/2022.
- [38] Prior to the amendment, art. 165 Civil code provided that “the prohibition may be applied for by the persons referred to in Article 111, which shall apply accordingly”.
- [39] As a matter of common law, the provisions of art. 114 para. (3)-(5) Civil code, and namely: the possibility of revoking the appointed person at any time by means of a privately signed deed; registration of the deed revoking the person in the national notarial register; verification by the notary public or the guardianship court in the national notarial register if the appointed person is not revoked.
- [40] Amended by art. 7 point 24 of the Law no. 140/2022.
- [41] Amended by art. 7 point 25 of the Law no. 140/2022.
- [42] Amended by art. 7 point 25 of the Law no. 140/2022.
- [43] Since the special guardian is empowered to represent the person whose protection is sought, it follows that art. 167 Civil code establishes a presumption of incapacity during the period between the application for protective measures and the final decision. That legal solution, being taken from the previous legislation, is contrary to the principle that capacity is the rule and incapacity is the exception. Eventually, art. 167 Civil code should empower the special guardian with the right to represent the person concerned at the conclusion of certain legal acts. In this way, the provisions of art. 167 Civil code would be in harmony with the provisions of art. 168 para. (4) Civil code.
- [44] Art. 936-943 C. pr. civ. au fost modificate de art. 8 pct. 26-33 din Legea nr. 140/2022. Anterior modificării, acestea au reglementat “procedura punerii sub interdicție judecătorească”.
- [45] Art. 9431-9437 C. pr. civ. au fost introduse de art. 8 pct. 34 din Legea nr. 140/2022.
- [46] Art. 226 C. pr. civ. a fost modificat de art. 8 pct. 7 din Legea nr. 140/2022.
- [47] Alin. (6) al art. 168 C. civ. a fost introdus de art. 7 pct. 26 din Legea nr. 140/2022.
- [48] See art. 536 para. (1) Civil procedure code.
- [49] For example, the minor’s parents oppose the establishment of guardianship on the grounds that they are in a position to provide adequate care for the child.
- [50] See art. 531 Civil procedure code.
- [51] Art. 170 Civil code was amended by art. 7 point 28 of the Law no. 140/2022.
- [52] Art. 170 para. (2) Civil code, makes the appointment of the person living with the protected person conditional on the person having “close and stable ties with the protected person”. In reality, this person is cohabiting with the protected person. It should be noted that, as in many other situations in Romanian legislation, the mention of cohabitation has been avoided (for details on cohabitation in Romania, see Bodoaşcă, T. (2021). *Opinii privind concubinajul și căsătoria în dreptul României*, in *Revista Română de Dreptul Familiei* no. 2/2021, p. 55 and the following).
- [53] Art. 172 Civil code was amended by art. 7 point 30 of the Law no. 140/2022.
- [54] Prior to the amendment, art. 172 Civil code provided that “acts concluded by the person subject to a judicial prohibition other than those provided for by art. 43 par. (3), are voidable, even if at the time they were entered into they were of sound mind”.
- [55] Art. 41 para. (3) Civil code, lists the legal acts which the person with restricted capacity may conclude alone: acts of preservation; acts of administration which do not prejudice him/her; acts of acceptance of an inheritance or of acceptance of gifts without encumbrances; acts of disposition of small value, of a current nature and which are executed at the time of their conclusion. In return, art. 43 para. (3) Civil code, establishes the legal acts that the person lacking legal capacity can conclude alone: those provided for by law; those of preservation; those of small value, of a current nature and enforceable at the time of their conclusion. In both cases, the provisions of art. 168 para. (4) Civil code, which means that, if the person is granted a protective measure, the court will determine, in the decision establishing the measure, the legal acts that the person is prohibited from doing. I stress that art. 41 and art. 43 Civil code were amended by art. 7 point 2, respectively point 5 of the Law n. 140/2022.
- [56] The authorization of the guardianship court and the opinion of the family council are required for acts of alienation, partition, mortgaging or encumbrance of the minor’s property with other encumbrances in rem, the waiver of the minor’s property rights, as well as for acts going beyond the right of administration. [see art. 146 para. (4) corroborated by art. 144 para. (3) Civil code].
- [57] Art. 147 para. (2) Civil code, exempts acts of purchase at public auction of property of the minor by persons listed in para. (1), but on condition that the person concerned has a security interest in the property or co-owns it with the minor, as the case may be.
- [58] Art. 173 was amended by art. 7 point 31 of the Law no. 140/2022.
- [59] Art. 174 was amended and added by art. 7 point 32 of the Law no. 140/2022.
- [60] At common law, according to 148 Civil Code, the family council is empowered to determine the annual amount required for the maintenance of the minor and the administration of his/her property. This amount may be modified according to circumstances. The expenses necessary for the maintenance of the minor and the administration of his/her property shall be covered by his/her income. If the minor’s income is not

sufficient, the guardianship court may order the sale of the property by agreement of the parties or by public auction. Objects of emotional value to the minor or his family may be sold only in exceptional cases. If the minor is deprived of property and has no parents or other relatives who are forced by law to provide maintenance, or if the maintenance is insufficient, the minor is entitled to social assistance under the law.

# The Civil Capacity to Conclude Legal Documents in the Light of the Dispositions Provided by the Law no. 140/2022

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## **Abstract**

The present paper aims to summarize the new dispositions concerning the ability to conclude legal acts, which entered into force when the Law no. 140/2022 regarding some protection measures for people with intellectual and psychosocial disabilities and the modification and completion of some normative acts, was adopted. By adopting these new regulations, provided by the Law no. 140/2022, the Romanian legislator brought a series of modifications to normative acts of big importance in the law domain, namely to the Civil Code and the Civil Procedure Code. In the following, we will identify and highlight those aspects that the legislator felt necessary to modify and complete in the matter of the capacity of exercise of the physical person, in order to establish their purpose and utility.

*Keywords: civil capacity, psychosocial disabilities, intellectual disabilities, legal documents, protection*

## **Introductory Aspects Regarding the Civil Capacity and its Components**

The civil capacity represents one of most important elements that defines the legal subjects. The capacity to conclude legal civil acts, on the other hand, represents an element of equal importance, but for the civil act as an institution of the Civil law. The relationship between the two mentioned institutions is one of whole - part, namely the capacity to conclude civil acts represents a fraction of the civil capacity, fact that determines the impossibility to analyze them separately, to be able to have an overview on their content [1].

The specialized doctrine, defined the civil capacity, based on the legal provisions in force, as the person's ability to be the holder of civil rights and obligations [2] showing at the same time the fact that its content includes two elements: the capacity of use and the capacity of exercise [3]. The capacity to conclude legal acts, represents an essential condition, that needs to be fulfilled for the validity of the civil legal act. It designates the ability of the person to be holder of rights and obligations namely, to be part of civil legal report born by concluding civil legal acts [4].

Analyzing the evoked definitions, we establish the fact that the person has the ability to be the holder of civil rights and obligations but, not all of these rights and obligations are acquired by concluding civil legal documents. Also, to conclude civil legal documents, according to the legal provisions in force [5], the person must comply to certain conditions. The same provisions, that we quoted previously infer the fact that the legislator calls the ability to conclude civil legal acts as the capacity to exercise which, as we have already showed represents a part of the civil capacity, recognized to any physical person. As a rule, the capacity of exercise is acquired, by the physical person, upon reaching the age of 18 and represents the prerogative, recognized to the person, to acquire subjective civil rights and to assume own civil obligations as a result of the conclusion of civil legal documents [6]. The legislator recently intervened, by adopting the

Law no. 140/2022 regarding some measures for protection of persons with intellectual and psychosocial disabilities and the modification and completion of some normative acts, in the regulation of some aspects regarding the capacity of exercise, in order to protect the interests of certain categories of persons which, due to the lack of discernment, cannot foresee the effects produced by the conclusion of civil legal documents.

More specific, the provisions of Chapter III of Title III of Book I, on persons of the Civil Code, regarding the protection of the physical person, as well as the provisions regulating the restricted capacity of exercise of the physical person, were amended, and supplemented. In this sense, the provisions of the 41, 42, 43, 44, 46, 48 and 80 article and the Chapters III and IV, which regulated the protection of the judicial prohibited person respectively the guardianship, were amended.

According to the new legal provisions, Chapter III has been renamed, being currently entitled “Protection of the major through counseling and special guardianship” and includes provisions regulating special guardianship, judicial counseling, and assistance in concluding civil legal documents. As far as we are concerned, we will analyze in this paper only those aspects of the Law no. 140/2022 regarding some protection measures for persons with intellectual and psychosocial disabilities and the modification and completion of some normative acts, which regulate the capacity to conclude civil legal documents by these persons. In this sense, we must, first of all, distinguish between persons with intellectual and psychosocial disabilities who are totally lacking discernment and those whose discernment is partially affected. It is also necessary to determine whether their mental faculties were affected permanently or only temporarily [7]. From the content of the provisions of the 164<sup>th</sup> article para. (1) of the Civil Code, we understand that the legislator distinguishes between the mentioned categories of persons and regulates their capacity of exercise differently. Thus, persons whose mental faculties are totally and permanently damaged benefit from the institution of special guardianship [8], while those whose mental faculties are partially damaged can benefit from judicial counseling [9].

In both cases, special guardianship and judicial counseling are instituted only if the protection of the person with intellectual or psychosocial disabilities cannot be achieved throughout assistance. The legislator emphasizes that these measures are instituted if they are necessary for the exercise of the civil capacity.

### **Changes Brought by the Entry Into Force of Law no. 140/2022**

Protecting the interests and ensuring fundamental rights and freedoms, as well as eliminating any form of discrimination, both in general and in particular for persons suffering from certain disabilities, is a priority at the level of international entities and bodies for the protection of human rights and not only. Thus, the Convention on the Rights of Persons with Disabilities was adopted within the United Nations Organization in 2006 [10].

Romania became part of this convention in the year immediately following its adoption, thus assuming compliance with the provisions contained within the convention. The failure to comply with this obligation determined the raising of an exception of unconstitutionality, which had as object the provisions of the 164<sup>th</sup> article para. (1) of the Civil Code. The Constitutional Court admitted the exception of unconstitutionality by the Decision no. 601/2020, fact that determined the modification and completion of the Civil Code.

As a result, the article 41 of the Civil Code was amended, where after the first align. a new paragraph (1<sup>1</sup>) was added, according to which the adult physical person who benefits from legal advice is part of the category of persons with limited capacity of exercise. This provision increases the category of people with limited capacity of exercise which included until now, according to para. (1) of the same article only minors who have reached the age of 14.

Due to the admission of the exception of unconstitutionality, para. (2) and (3) of art. 41 of the Civil Code also suffered amendments. The new provisions use the phrase “person with limited capacity of exercise”, so the regulations will be applied to both, minors who have reached the age of 14 and to persons with intellectual and psychosocial disabilities who benefit from judicial counseling. At the same time, at the conclusion of civil legal documents, the person with limited capacity of exercise needs the approval of the family council in the situations that the law requires it. In contrast, the old regulation referred only to the consent of the parents or the legal guardian, in cases when the authorization of the guardianship court was also required.

At para. (3), in addition to the use of the phrase “person with limited exercise capacity”, the legislator widened the scope of legal acts of a civil nature that this type of persons can conclude on its own, adding beside the acts of preservation, administration that do not prejudice him and those of minor dispositions value, those of acceptance of an inheritance or liberalities without burdens.

By para. (3) of art. 42 of the Civil Code, newly introduced paragraph, the major who benefits from legal advice is also recognized the possibility to conclude legal acts regarding work, artistic or sports activities or its profession and to exercise those rights respectively to perform the obligations. At the same time, this person can dispose of the income obtained from the execution of these kind of civil legal documents.

In the case of art. 43 of the Civil Code, the main amendment aims to remove, from the content of para. (1) letter b the phrase “person under judicial prohibition” and to replace it with “the one who benefits from the measure of special guardianship”. Thus, the persons whose mental faculties are only partially impaired have been eliminated from the category of persons lacking the capacity of exercise, because they, according to art. 164 para. (2), may benefit from judicial advice.

Regarding the sanction provided by art. 44 of the Civil Code, the new regulations require the annulment of civil legal acts, concluded by the person lacking legal capacity or with limited legal capacity and in the situation where the approval of the family council is missing, if such an approval is requested by law. The revocability regime, as it is currently called by art. 46 of the Civil Code, has also undergone changes in terms of the persons who can file the annulment action.

Thus, this action can be introduced, according to para. (1) “by the legal representative, the minor who has reached the age of 14, by the one who benefits from legal advice, as well as by the legal guardian or the family council, as the case may be”. The old regulation referred only to the legal representative, the 14-year-old minor and the legal guardian. However, the current provisions cover all situations that may arise in specialized practice, adding to these persons the judicial advisor and the family council. Under the aspect of confirming the voidable act, the legal provisions have been modified by adding to the content of the legal norm the possibility of confirming the legal document concluded during the protection, when the person had to be assisted or represented [11].

## Conclusions

The need to adopt the new legal provisions in the matter of the physical person’s protection, which determined changes and additions to the regulation of guardianship and limited exercise capacity, is due to Decision no. 601/2020 establishing the unconstitutionality of the provisions of art. 164 para. (1) of the Civil Code.

These provisions are intended to provide the necessary protection to persons with limited capacity of exercise or lacking this capacity, depending on the needs of each individual. It was also aimed to create a legal framework that would provide means of protection to ensure the



dignity, rights, and freedoms, the will, and the needs of persons with intellectual or psychosocial disabilities.

On the other hand, it was necessary to recognize the existence of an intermediate category of persons, located between persons with discernment and those without discernment, namely the persons with partially impaired discernment. The alignment of the provisions of the Civil Code with those of the Convention on the Rights of Persons with Disabilities determined in turn the intervention of the state in the modification and completion of the legal provisions analyzed in the current paper, due to the fact, that the procedure for placing under prohibition physical persons suffering from alienation or debility mentally violated the provisions of the mentioned convention.

As it comes off the content of the legal provisions, the intention of the legislator to eliminate any form of discrimination in what regards the protection of persons with a disability that affects their discernment is undoubtedly evident. Thus, the application of the principle of non-discrimination, which is also one of the main objectives of the international protection of human rights, is provided by the legislator in art. 164 para. (1) according to which people with intellectual or psychosocial disabilities must be able to exercise their capacity of exercise “under conditions of equality with other people”.

## REFERENCES

- [1] For an overview of the means of civil law, see I. C. Șulea (2019), *Aspecte generale privind răspunderea civilă pentru încălcarea drepturilor ce decurg din realizarea unui desen sau model*, in the National Conference “Educational challenges in the context of durable development”, organized by the “Dimitrie Cantemir” University from Târgu Mureș, published at RISOPRINT Publishing House, Cluj-Napoca, p. 82-87.
- [2] Gh. Beleiu, *Drept civil roman. Introducere în dreptul civil. Subiectele dreptului civil*, Universul Juridic Publishing House, Bucharest, 2006, p. 71.
- [3] G. Boroi, C. A. Angheliescu, *Curs de drept civil. Partea generală*, Ediția a 3-a, revizuită și adăugită, Hamangiu Publishing House, Bucharest, 2021, p. 119.
- [4] T. Bodoașcă, S. Nour, I. Arghir Cionca, *Drept civil. Partea generală. Conform noului Cod civil. Curs universitar*, Universul Juridic Publishing House, Bucharest, 2012, p. 157.
- [5] Art. 38 and following from Law no. 287/2009 regarding the Civil Code represents the legal framework that regulate the conditions under which the physical person can conclude civil legal acts, focusing on the moment from which he can conclude these acts alone, respectively on the means of representing the physical person while concluding civil legal acts, in the situation where they do not have full exercise capacity.
- [6] O. Ungureanu, C. Munteanu, *Drept civil. Persoanele în reglementarea noului Cod civil*, Bucharest, Hamangiu Publishing House, 2011, p. 126.
- [7] For details in this regard, see art. 164 par. (1) from the Civil Code, as amended by point 22 of Law no. 140 regarding some protection measures for people with intellectual and psychosocial disabilities and the modification and completion of some normative acts.
- [8] See the 4<sup>th</sup> paragraph of the 164<sup>th</sup> article of the Civil Code.
- [9] See the second paragraph of the 164<sup>th</sup> article of the Civil Code.
- [10] The United Nations Convention on the Rights of Persons with Disabilities is available online, in electronic format at <https://anpd.gov.ro/web/conventia/>
- [11] See the 48<sup>th</sup> article of the Civil Code as it was amended by point 8 of Law no. 140 regarding some protection measures for people with intellectual and psychosocial disabilities and the modification and completion of some normative acts, published in the Official Gazette, of Romania, Part I no. 500 from 20 May 2022.

# Aspects Concerning the Dissolution of Trading Companies as a Result of Entering into Force of Law no. 265/2022 Regarding the Trade Register

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## Abstract

The trading companies carry out their activity after some new rules because of entering into force of Law no. 265/2022 regarding the Trade Register and for amending and supplementing other normative acts with incidence over the registration in the Trade Register. The dissolution of the trading company, as a first stage in the cessation of its existence, is regulated by Law 31/1990 regarding companies. Currently, the ways of dissolution of companies were rethought by the legislator, therefore the Law 265/2022 introduces the possibility of ascertaining the dissolution conditions by the Trade Register registrar. The present study proposes an analysis of the causes of dissolution of trading companies, as well as of the procedures related to these situations.

*Keywords: trading companies, dissolution, liquidation, registrar, Trade Register.*

## General Aspects

The dissolution of trading companies represents the initial stage of the cessation of their legal entity and involves a set of operations that result, in general, in the liquidation of the assets of the companies in question.

Therefore, the dissolution of the company has as first effect the initiation of de procedure of company's liquidation. However, it should be emphasized that dissolution takes place without liquidation in the case of merger and total division of the company [1].

Anyway, the dissolution has no consequences on the legal entity of the company, it does not dissolve, but continues its legal existence, but only for liquidation operations [2]. Thus, according to art. 233 para. (2) of Law no. 31/1990 on companies [3], from the moment of dissolution, directors, administrators, respectively the directorate can no longer undertake new operations. The violation of the legal interdiction will have as result the personal and joint liability of the persons concerned for the operations undertaken [4].

Thus, we can say that as a result of the dissolution, the company enters in a new phase of its existence, in which the legal personality of the company ceases and with it, all the legal relationships that bind it.

The importance of going through this stage has enjoyed increased attention from the legislator in the last period, so that, currently, the company dissolution procedure knows some changes introduced by Law no. 265/2022 on the Trade Register and for the modification and completion of other normative acts affecting registration in the Trade Register [5].

The dissolution of companies is regulated by art. 227-237<sup>2</sup> of Law no. 31/1990 regarding companies. The cited provisions regulate common or general causes of dissolution of trading companies and specific causes to each form of company.

## **Clauses of Dissolution of Trading Companies**

According to art. 227 para. (1) of Law no. 31/1990 regarding companies, the following causes are common for dissolution of trading companies:

- the passing of the time established for the duration of the company;
- the impossibility of achieving the object of activity of the company or its achievement;
- the declaration of the company's nullity;
- the decision of the general meeting;
- the decision of the court, at the request of any partner, for good reasons, such as serious disagreements between partners, which prevent the operation of the company;
- company's bankruptcy;
- other clauses stipulated by law or by the company's partnership agreement.

Other causes stipulated by law are regulated by art. 237 of Law no. 31/1990 regarding companies. Called by the specialized literature penalty causes, these situations concern companies that, due to certain circumstances, no longer meet the conditions to function normally [6]. The situations regulated in this way are as follows:

- the company no longer has statutory bodies or they cannot convene anymore;
- the shareholders/associates have disappeared or have no known domicile or residence;
- the conditions related to the registered office are no longer met, including as a result of the expiration of the document certifying the right of use over the space intended for the registered office or the transfer of the right of use or ownership over the space intended for the registered office;
- the company's activity ceased or the activity was not resumed after the period of temporary inactivity, notified to the tax bodies and entered in the Trade Register, period that cannot exceed three years from the date of registration in the Trade Register;
- the company has not stipulated its share capital, in accordance with the law.

We mention that following the adoption of Law no. 265/2022, several causes of dissolution of trading companies were eliminated. Thus, currently, companies that have not submitted their annual financial statements and, as the case may be, consolidated annual financial statements, as well as accounting reports to the territorial units of the Ministry of Public Finance within the term provided by law, no longer risk dissolution.

The special clauses for dissolution of trading companies are regulated depending on each form of company.

According to art. 228 of Law no. 31/1990 regarding companies, the joint-stock company is also dissolved in situations where:

- the board of directors, or the directorate finds that, following losses established by the annual financial statements, the company's net asset has decreased to less than half of the value of the subscribed capital;
- the share capital decreases below the legal minimum;
- the number of shareholders falls below the legal minimum.

The joint-stock company in limited partnership is dissolved in the case and under the conditions provided for the joint-stock company regarding the minimum value of the share capital and the minimum number of shareholders.

In accordance with art. 229 of Law no. 31/1990, joint ventures are dissolved by the bankruptcy, incapacity, exclusion, withdrawal or death of one of the partners, when, due to these causes, the number of partners has been reduced to one and there is no continuation clause with the heirs, or if the remaining partner does not decide to transform the company into another form of trading company, respectively a limited liability company with a sole partner.

Simple limited partnerships are dissolved by the bankruptcy of the managing partner or general partner or by his incapacity, exclusion, withdrawal or death [7].

From corroboration of art. 228 and 229 of Law no. 31/1990 regarding companies, it follows that the limited liability company is dissolved by halving the share capital or by the bankruptcy, incapacity, exclusion, withdrawal or death of one of the associates in the situation when, due to these causes, the number of associates has been reduced to one.

### **The Ways of Dissolution of Trading Companies**

Currently, the dissolution of companies is carried out by the will of the associates, through court and through the National Office of the Trade Registry.

The dissolution of the company by the will of the associates is carried out during the general meeting, under the conditions established by law for the amendment of the constitutive act. The law does not establish the situations in which the company can be dissolved by the will of the associates, so they are free to appreciate the reasons why they decide to dissolve the company [8].

From a procedural point of view, the decision of the general meeting to dissolve the company is submitted to the Trade Register office, for mention, after which it is sent ex officio to the Official Gazette for publication, at the expense of the company.

To protect the associates, art. 231 para. (1) of Law no. 31/1990 regarding companies regulates that they can revert to the decision regarding the dissolution of the company under the conditions of quorum and majority required by law for the amendment of the constitutive act. Reversion is permitted if no distribution of assets has been made between the partners. In this situation, the new decision will be mentioned in the Trade Register, and against it any interested person can make an opposition to the court under the terms of art. 62 of Law no. 31/1990 regarding companies.

The dissolution of the trading company is also possible as a result of a court decision, at the request of the associates, any interested person or the National Office of the Trade Register under the conditions of art. 227 para. (1) and 237 para. (1) of the law.

The doctrine has shown that the court has the possibility, but not the obligation, to pronounce the dissolution, which indicates that the judge will analyse both the fulfilment of the legal conditions and the opportunity to apply the sanction of dissolution of the company [9].

The decision of the court by which the dissolution was pronounced is communicated to the company, the office of the Trade Register for the registration of the mention of dissolution in the Trade Register, the National Agency for Fiscal Administration - the county public finance administration/public finance administration of the sector and is published in the Electronic Bulletin of the Trade Register.

The decision is subject to appeal, within 30 days from the date of publication of the decision in the Electronic Bulletin of the Trade Register, and the appellant can be any interested person. It should be emphasized that prior to entering into force of Law no. 265/2022, the court decisions of dissolution were published in the Official Gazette, and currently their publicity is carried out through the Electronic Bulletin of the commercial register.

After the court decision of dissolution has become final, the National Office of the Trade Register, through the registrar, at the request of the company, of any interested person or ex officio, appoints, by conclusion, a liquidator enrolled in the List of Insolvency Practitioners.

Art. 129 para. 53 of law no. 265/2022 introduces art. 237<sup>2</sup> of Law no. 31/1990 regarding companies which regulates a new procedure by which dissolution can be initiated and subsequently ordered by the Trade Registry Office. The solution is welcomed and is intended to relieve the courts of certain cases that are not contentious in nature.

The situations are limited, being regulated by art. 237-1<sup>2</sup> para. (1) of Law no. 31/1990 regarding companies. Thus, the registrar, by conclusion, finds that the conditions for the

dissolution of the company are met at the request of any interested person or ex officio, in the following cases:

- the conditions related to the registered office are no longer met, as a result of the expiration of the document certifying the right of use over the space intended for the registered office or the transfer of the right of use or ownership over the space intended for the registered office;
- the company's activity ceased or the activity was not resumed after the period of temporary inactivity, notified to the tax bodies and entered in the Trade Register, period that cannot exceed three years from the date of registration in the Trade Register;
- in the case of limited-term companies, at the expiration of the term mentioned in the constitutive act, if it has not been decided to extend the company's term.

We emphasize that, in the previous regulation, the first two cases of dissolution listed were within the jurisdiction of the courts. Anyway, for other conditions related to the registered office, the court has the jurisdiction to determine the causes of dissolution.

Expiration of the term established for the duration of the company was considered to be a cause of dissolution *de jure*, a situation in which no formality of publicity and no manifestation of will of the associates was necessary. However, for the company to enter liquidation, any interested person or the National Office of the Trade Register could notify the delegated judge to establish the dissolution of the company, followed by the liquidation of the company's assets and its deletion from the Trade Register.

From a procedural point of view, the National Office of the Trade Register will publish in the Electronic Bulletin of the Trade Register and transmit to the National Tax Administration Agency the list of companies that meet the conditions for dissolution. The publicity term is 15 calendar days prior to finding that the conditions have been met.

Upon the meeting of the deadline or, as the case may be, three working days from the date of submission of the request for dissolution by any interested person, the registrar notes, by conclusion, the meeting of the conditions for the dissolution of the company [10]. The conclusion is mentioned in the Trade Register, transmitted to the company in question, ANAF and published in the Electronic Bulletin of the Trade Register.

The conclusion of the registrar is not enforceable, against it a complaint can be filed at the Trade Register office within 15 days from the communication for the company in question and ANAF, respectively from the publication for other interested persons.

Within three working days from the date of submission, the Trade Registry office submits it to the competent court, and the court's decision is only subject to appeal. According to art. 237<sup>2</sup> para. (7) of Law 31/1990 regarding companies, after it becomes final, the court's decision is sent to the Trade Register office for the entry of the mention of dissolution in the Trade Register. After the date of registration of the mention of dissolution, the company enters liquidation.

Of course, if no complaint has been filed against the registrar's conclusion, upon expiry of the 15-day period from communication/publication, the Trade Registry office will automatically record the mention of the dissolution of the company in the Trade Register.

## Conclusions

In view of what has been shown, we conclude that the legislator wanted to relieve the courts by regulating a new procedure by which the dissolution can be initiated and, subsequently, ordered by the Trade Register Office. This procedure is still quasi-administrative, since the complaint against the conclusion of the registrar, formulated by the company whose dissolution has been ascertained, by ANAF or by any other interested person remains within the jurisdiction of the courts.

With the repeal art. 37 of Law no. 31/1990 regarding companies, the control of the legality of acts and facts that are registered in the Trade Register will no longer be carried out by the delegated judge, but by a registrar of the Trade Register, thus operating the transfer of jurisdiction from the sphere of judicial power to the administrative one. This change obviously implies an expansion of the duties of the officials in the Trade Register, both from the perspective of the post factum control of legality, as well as the approval of certain acts or operations.

## REFERENCES

- [1] See art. 233 para (1) din of Law no. 31/1990 regarding companies.
- [2] For more details on the multitude of unauthorized activities that can be carried out for the purpose of accumulating commercial gains, see Șulea Ionela Cecilia (2013), The international Scientific Conference Literature, Discourse and Multicultural Dialogue (LDMD-I), Section Communication and public relations, Târgu-Mureș, December 2013, Methods to prevent the introduction of pirated merchandise on the European Market, Archipelago XXI Publishing House, Romania, p. 322-325.
- [3] Law no. 31/1990 regarding companies was published in Romanian Official Gazette no. 126-127 from 17 of November 1990, being subsequently amended and republished.
- [4] See S.D. Cârpenaru (2019), *Treaty of Romanian Commercial Law*, Universul Juridic Publishing House, Bucharest, pp. 263-264.
- [5] Law no. 265/2022 on the Trade Register and for the modification and completion of other normative acts affecting registration in the Trade Register was published in Romanian Official Gazette no.750 from 26<sup>th</sup> of July 2022. In the following, the reference to this document will be made by the phrase “Law no. 265/2022”.
- [6] See S.D. Cârpenaru (2019), *op. cit.*, p. 259.
- [7] See art. 229 para (3) from Law no. 31/1990 regarding companies.
- [8] See S. Angheni (2019), *Commercial Law.Treaty*, C.H. Beck Publishing House, Bucharest, p. 323.
- [9] See V. Nemeș (2018), *Commercial Law*, 3rd Edition Revised and Added, Hamangiu Publishing House, Bucharest, p. 203.
- [10] See art. 237<sup>^</sup>2 para (2) second thesis of Law no. 31/1990 regarding companies.

# A Scientific Study of the Crime Victim

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## Abstract

Our scientific approach is directed towards the criminal offender-victim couple, given that their interaction gives rise to the crime that is the object of criminal investigation. Starting from the premise that a normal person is not born a criminal, but under certain conditions can become one, it can be said that no one is born to become a victim, but a certain personality structure (psychological component), as well as belonging to a certain biological or social category (biological component - social component) makes the individual vulnerable to certain criminal acts.

In this context, the prevention component is very important, so that no one becomes either a criminal or a victim.

*Keywords: offender, victim, personality, criminal couple, prevention.*

## Introduction

It is well known that any crime necessarily involves two parties: an offender and a victim. It may therefore be surprising that criminology has historically tended to focus on the offender, with little to say about the victims of crime and the victimisation process.

Victimology thus seeks to redress this imbalance by studying the relationships between offenders and victims, by examining how and why certain individuals and groups become prone to criminal victimisation, and by considering how crime impacts on those who suffer from it. [1]

Due to centuries of ignorance by those in power, the victims of our world first found an open door in 1945 with the creation of the United Nations (UN), which spoke of victims' rights. That was the year the civilised world realised the horrors of war, so the UN rethought the history of victims in relation to the genocidal state. [2]

A first step in this direction was taken with the establishment of victimology in the scientific field in the late 1940s, when several generations of researchers started with theoretical considerations and gradually promoted the re-emergence of interest in victimology through a wide range of questions, research and methods.

a) *The first generation of scientific work in victimology* proposed typologies of victims based on the offender-victim dyad in a criminal act. Common to the ideas of these early victimologists was that each classified victims according to the degree to which they caused their own victimisation.

These early theoretical reflections pushed the field of victimology to a higher level, in a direction that eventually led to a reformulation of the definition of victimisation. [3]

The first researcher to give an impetus to scientific research on victimisation was *Hans von Henting* (1948), who in one of his papers drew attention to the fact that there was an interdependence between the murderer and the murdered, between the swindler and the swindled, etc. [4]

In the author's view, victims were treated as active participants in crime and played a causal role in the consummation of the crime, as the case may be, by consenting, cooperating, conspiring or provoking the crime.

In this way, victims could be differentiated or classified according to those characteristics or behaviours with which they contributed to the commission of the crime. (Martin O'Brien, Majid Yar, 2008)

The first empirical evidence supporting the idea that victims are to some extent responsible for their own victimization was presented by *Marvin E. Wolfgang* (1958), who analyzed Philadelphia police homicide records from 1948 to 1952. He reported that 26% of homicides resulted from victim precipitation. Wolfgang identified three common factors in victim precipitation homicides:

- Victim and perpetrator had a prior interpersonal relationship- prior relationship,
- there was a series of escalating disagreements between the parties,
- the victim had consumed alcohol. (Bonnie S. Fisher, Bradford W. Reynolds, 2009)

*Menachem Amir* also undertook one of the first studies of rape in 1971. Based on details from Philadelphia police rape records, Amir reported that 19% of all rapes committed were facilitated by alcohol consumption by both parties, seduction/seductive actions on the part of the victim, and the victim wearing revealing clothing.

All of this led the perpetrator to commit the act, aware that the victim misinterpreted his behaviour. His work has been criticized by the victim movement and the feminist movement as unduly blaming the victim.

b) *The second generation of theorists* has shifted its focus away from the role of the victim to an emphasis on a situational approach that focuses on explaining and testing how lifestyles and routine activities in everyday life create opportunities for victimization. The emergence of these two theoretical perspectives is one of the most significant developments in the field of victimology.

*Hindelang, Gottfredson and Garofalo* (1978) put forward the lifestyle exposure theory, observing that certain groups of people, namely young people and men, were more likely to be criminally victimised.

They theorised that an individual's demographics (e.g. age, gender) tended to influence lifestyle, which in turn increased their exposure to risks of personal and property victimisation.

For example, a person's gender carries with it certain social roles and constraints; it is how the individual reacts to these influences that determines one's lifestyle. If women spend more time at home, they would be exposed to fewer risky situations involving strangers and therefore experience fewer stranger victimisations.

Using the principle of homogamy, the authors also argued that lifestyles that expose people to a high proportion of potential offenders increase a person's risk of being victimized. Homogamy would explain why younger people are more likely to be victimized than older people, given that young people are more likely to encounter people who commit a disproportionate amount of violent and property crimes.

*Cohen and Felson* formulated routine activity theory in 1979 to explain changes in direct offender-victim contact (e.g., murder, forcible rape, burglary). This theory postulates that a convergence in time and space of a motivated offender, a suitable target, coupled with the absence of a capable guardian provides an opportunity for crimes to be committed. The absence of any one of these conditions is sufficient to drastically reduce the risk of criminal opportunity, if not prevent it altogether.

The theory does not attempt to explain participation in crime, but focuses instead on how opportunities to commit crime are related to the nature of routine patterns of social interaction, including work, family and leisure activities.



Thus, for example, if someone spends time in public places such as bars or spending time in places on the streets, it increases the likelihood that they will come into contact with a motivated offender in the absence of a capable guardian. The supply of motivated offenders is taken as a given.

What varies is the supply of suitable targets (e.g., light and easily concealable goods such as cell phones and DVD players or intoxicated persons) and capable guardians (e.g., neighbors, police, burglar alarms) (Bonnie S. Fisher, Bradford W. Reyns, 2009).

c) *The third generation* concerned opportunity theories of victimization. *Miethe and Meier* (1994) developed an integrated theory of victimization, called “structural-choice”, which attempts to explain both offender motivation and victimization opportunities. This further refinement of victimization opportunity theories has been an important contribution to the victimology literature

One of the earliest studies of opportunity theories for predatory crime was by *Sampson and Wooldredge* (1987), who used data from the 1982 British Crime Survey. Their findings showed that individual and family characteristics were significant predictors of victimization, as were neighborhood-level characteristics.

For example, although the age of the 'head of household' was an important predictor of mugging, the percentage of unemployed people in the area also predicted mugging. Sampson and Wooldredge's multilevel model of opportunity was among the first to test lifestyle and routine activity theories.

Multilevel modeling of lifestyle and routine activity exposure theories continues to attract the attention of researchers seeking to test how both individual and macro-level characteristics (such as neighborhood characteristics) frame victimization opportunities (Wilcox, Land, & Hunt, 2003).

Victimization theories have been extended to examine nonviolent and “victimless” crimes, such as gambling and prostitution (Felson, 1998), as well as crimes typical of deviant behavior, such as binge drinking and hazardous drinking among young adults (Osgood, Wilson, O'Malley, Bachman, & Johnston, 1996).

Theories have also been applied to a wide range of offenses in different social contexts, such as school victimization in secondary schools (Augustine, Wilcox, Wilcox, Ousey, & Clayton, 2002) and bullying among college students (Fisher, Cullen, & Turner, 2000), even finding explanations of the link between victimization and offending (Sampson & Lauritsen, 1990).

Other researchers have examined how the opportunity for victimization is related to social contexts and different types of locations, such as the workplace (Lynch, 1987), neighborhoods (Lynch & Cantor, 1992), and college campuses (Fisher, Sloan, Sloan, Cullen, & Lu, 1998).

d) *The fourth generation* attests that beyond opportunity theories, the work of Schreck and his colleagues suggests that antecedents of opportunity such as low self-control, socialization, social ties, and peer influences have also been found to be important predictors of violent victimization and property victimization (Schreck, 1999; Schreck & Fisher, 2004; Schreck, Stewart, & Fisher, 2006).

*Schreck, Wright and Miller* (2002) examined the effects of individual factors (e.g., low self-control, weak social ties to family and school) and situational risks (e.g., having delinquent peers, having a lot of unstructured social time) on victimization risk (Bonnie S. Fisher, Bradford W. Reyns, 2009).

## Methodology

*In terms of the research method used*, we show that in the first decades of the development of victimology, the theoretical component was largely used. However, from the 1970s onwards, an orientation towards the application side became evident (Martin O'Brien, Majid Yar, 2008).

This was largely driven by a growing concern for victims of crime and the realisation that the criminal justice system had largely neglected their needs and failed to take account of their experience of crime.

Again, feminist activists have played an important role in this, championing the cause of women subjected to domestic violence and sexual assault. The work of practising victimologists has helped to uncover the many ways in which crime has impacted on its victims.

Most obviously, victimisation can result in physical injury (in cases of violent assault) and/or material loss (in cases of theft and robbery). However, victimisation could also have longer-term psychological and emotional consequences, such as fear and depression, which would affect the actual quality of life of individuals.

Victimisation could also have permanent financial implications, as when victims of crime are left unable to work and earn a living. The impact of crime also extends beyond the immediate victim, affecting the families of those victimised, often causing considerable distress, hardship and strain for those closest to the victims.

Awareness of these consequences has helped victimologists to identify a number of needs that need to be met if victims are to succeed in preventing their criminal involvement. For example, victimisation creates a need for immediate and long-term assistance, whether it is medical care, comfort, support, counselling or practical help to cope with material damage.

Victims also express a need to be kept informed about the progress of their case and a desire to be involved or to have a 'say' in how the offender is treated. In recent decades a number of initiatives have been set up to help meet these needs; victim support organisations provide advice and assistance, the police and other criminal justice agencies have sought to inform and consult victims, and various international regulations on victims' rights have given victims a greater say in the prosecution and punishment of their offenders.

These developments converge with the restorative justice movement which favours the involvement of victims in the justice process, emphasising the need for offenders to understand the impact of their crimes on victims and to make them feel that they need to make reparation.

*From the perspective of the criminal-victim relationship* and through the theories that have studied this aspect, there are a few facts worth noting:

- everywhere in the world, the number of victims is higher than the number of offenders. This refers to solved cases and not to the 'black figure' of unknown, unreported or unsolved cases.

- The 'victim risk' in violent crime is significantly higher for men than for women.

- 80% of homicides or serious injuries occur when the victim is related to or acquainted with the killer.

- Statistically speaking, murderers are 5-10 years younger than their victims (Marvin E. Wolfgang).

- In women, the victimisation rate is highest in the 20-29 age group, whereas in men it is in the 30-39 age group.

- although statistical data on victims are generally very sketchy, it has nevertheless been found that in cases of homicide or other violent crimes, about half of all victims had a criminal record (one or more attacks on persons). This suggests that violent crimes are more common between aggressive partners and that, therefore, the victims in these cases are themselves motivational factors in the initiation and perpetuation of the crime (St. Schaffer, 1977).

## Conclusion

In conclusion, by means of the arguments presented above we can state that victimology has had a significant impact in reorienting both criminology and criminal justice institutions away from focusing solely on the offender and towards the victims on whom the offender's actions have the most immediate and harmful effect.

Also, by emphasising the role of the interaction between offender and victim, the issue of the criminal act appears in a clearer light, which leads to the possibility of a greater nuancing of responsibilities and thus to a fairer administration of justice.

## REFERENCES

- [1] Martin O Brien, Majid Yar, (2008), *Criminology. The Key concepts*, Routledge Taylor&Francis Group, London-New York.
- [2] Dan Voinea, (2016), *Why victimology?* in “Romanian Journal of Criminalistics” no. 4/2016, published by the Romanian Association of Criminalistics.
- [3] Bonnie S. Fisher, Bradford W. Reyns (2009), *Victimization* in J. Mitchell Miller, “21st Century Criminology- A reference handbook”, Sage Publications Inc., USA.
- [4] Hans von Hentig (1948), *The Criminal and his victim. Studies in the sociobiology of Crime*; New Haven.
- [5] Tiberiu Bogdan (1979), *The scientific study of the victim, a new way to deepen the problems of criminology* in “Present and perspective in forensic science”, Editorial and cinematographic service of the M.I., Bucharest.

# Considerations Regarding the Admissibility Conditions of the Revocatory Actions

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## Abstract

This study represents a brief foray into the analysis of the admissibility conditions of revocatory action, as regulated by the present Romanian Civil Code. Special attention is paid to the condition regarding the certainty of the claim, expressly required by the provisions of Art. 1563 Civil Code and to the doctrinal dispute regarding the role of the liquid and exigible character of the claim in the admissibility of the action. A consonance is revealed between the normative regulation, the majority doctrinal opinion and the jurisprudential solutions of the national courts.

*Keywords: revocatory action, admissibility conditions, claim, certain, liquid and exigible character.*

## **The First Condition for the Admissibility of the Revocatory Action Requires that the Contested Act Has Caused Damage to the Creditor Consisting in the Fact the Debtor Has Caused or Increased His State of Insolvency**

The condition results explicitly from the provisions of Art. 1562 Civil Code, which regulates the notion of revocatory action as follows, *(1) If damage is proven, the creditor can request that the legal acts concluded by the debtor in fraud of his rights be declared unenforceable against him, such as those by which the debtor creates or increases a state of insolvency. (2) An onerous contract or a payment made in the execution of such a contract can be declared unenforceable only when the contracting third party or the one who received the payment knew that the debtor was creating or increasing his state of insolvency.*

As can be seen from the previously quoted text, the legislator refers explicitly to “legal acts by which the debtor creates or increases his state of insolvency”.

The doctrine judiciously appreciates that the enumeration is an exemplary one, because through Paulian action can also be challenged, other acts concluded by the debtor, under the condition that those have caused damage to the creditor [1]. As an example, there is offered the case of act by which the debtor tries to paralyze a specialized credit right of the creditor, which has as object one of his specific assets [2]. On the other hand, it is noted that the acts by which the debtor refuses to enrich himself do not fall under the scope of the revocatory action, as neither do the general acts for the administration of the patrimony. Basically, insolvency is created or deepened by transferable acts: the debtor alienates his assets, which could be executed by his creditor. There are stated examples like, donations, sales at a derisory price, exchanges for goods that can be more easily claimed by the debtor, etc., all concluded with the intention of making his execution by the creditor impossible [3].

In jurisprudence, was admitted the revocatory action of the share agreement without interest, concluded by the debtor with his wife, through which he alienated the share of the only immovable property he owned (jointly with his wife), thus becoming insolvent [4].

**The Second Condition for Promoting the Revocatory Action Is the Fraud of the Debtor,** consisting in the fact that he was aware of the damaging result produced by the act towards the creditor, i.e., he realized that by concluding that act he created or increased a state of insolvency.

The conditions of the act involve the proof of a material element and a moral element – damage and fraud.

The damage, as it shown above, results from the lack of assets susceptible to be executed.

The fraud element (the moral element) having a psychological nature (formed in the mind of the debtor) and more difficult from probation point of view, is determined by reference to those circumstances that allow the judge, invested with the settlement of the request, to form his conviction that the debtor at the time of concluding the act (or before) at least knew that by doing so it creates a prejudice to the creditor.

In addition, judicial practice has revealed the fact that the notion of fraud - a condition of the Paulian action - has a special meaning, which cannot be confused with contractual fraud, being sufficient that the debtor was aware of the damaging result from the act towards the creditor. Thus, it is rightly appreciated that if it is proven that the debtor knew about the result of the act (in the sense that his own creditors will no longer have anything to enforce, or even if they have, it will be insufficient) it can be presumed that he wanted to harm his creditors [5].

As judiciously has been held in the doctrine, the Paulian action does not sanction the fraud itself, but its patrimonial consequences, produced directly in the debtor's patrimony. So, fraud produces an indirect loss to the creditor-claimant and a direct one to the fraudulent debtor; to the first, it diminishes the general pledge, to the second, it induces or deepens a state of insolvency [6].

### **The Condition Regarding the Complicity of the Third Party in the Debtor's Fraud**

This condition is claimed only in the case of onerous contracts, as follows from the contents of Art. 1562 para. 2 Civil Code, which explicitly refers to “*An onerous contract or a payment made in the execution of such a contract*”.

Therefore, the condition is not required in the case of gratuitous juridical acts.

Although it is not claimed by the legislator, the condition of third-party complicity in the debtor's fraud can also be met in the case of gratuitous acts. Returning to the example of the interest-free sharing contract concluded by the debtor with his wife, in fraud of his creditor, by virtue of her quality, i.e., the wife of the co-contractor, she was aware of the existence of her husband's debt, so it is beyond any doubt that at the conclusion of the sharing contract she acted against the creditor's interests, being complicit in the debtor's fraud.

### **The Fourth Condition for the Promotion of the Revocatory Action Requires the Existence of a Certain Claim at the Date of Introducing the Action, According to Art. 1563 Civil Code**

Although the text of Art. 1563 of the Civil Code, with the marginal name Conditions regarding the claim, explicitly summarizes to the certain nature of the claim, at the time of introducing the action, there were issued distinct doctrinal opinions regarding its interpretation, respectively *ad letteram* or extensive.

Thus, according to one doctrinal opinion [6], the text should not be interpreted in the sense that the exigibility and liquidity of the claim are irrelevant for the admissibility of the Paulian action, but only that these conditions must be met at the time of the pronouncement of the court decision declaring the unenforceability of the contested act by Paulian action and not on the date of filing the action. A certain, liquid and exigible claim is justified by at least the following reasons, retained in the doctrine: the Paulian action, even if it is not an enforcement measure,

prepares the forced capitalization of the property that constitutes the object of the contested act, and the forced execution presupposes the existence of a certain, liquid and enforceable claim; the Paulian action cannot be received unless the contested act causes damage to the creditor. Or, it is appreciated that there is a damage when the creditor, although he has a claim that has the vocation to be realized, therefore, is certain, liquid and exigible, is unable to capitalize on it due to, as a rule, the state of insolvency caused by debtor through the contested act; one of the effects of the admission of the Paulian action is the unavailability of the property acquired by the third party through the contested act until the forced execution of the claim on which the admission of the Paulian action was based is completed. Under these conditions, it is stated that it is difficult to accept that a measure with significant consequences on the civil circuit of the asset that is the object of the contested act, such as its temporary unavailability, could take place for a claim that is not at the same time certain, liquid and exigible [7].

According to the contrary opinion [8], it does not matter if the claim is liquid and exigible because the revocatory action is only an intermediate measure, not an enforceable one. In order to sanction promptly the fraud, the current Civil Code requires only proof of the claim of the claimant creditor, who thus proves his legitimate and serious interest in promoting a revocatory action. Other tributaries of the previously rendered opinion, reveal the fact that the only legal requirement attributed to the claim is its certain nature, the legislator does not impose the liquidity and exigibility characters [9].

The jurisprudence rallied to the doctrine with a majority view in establishing that the law does not require the existence of an enforceable title to ascertain the creditor's claim, because the revocatory action does not fall within the scope of enforcement acts. It is regulated as one of the means of protecting the creditor's rights against the illegal conduct of his debtor, either during the trial or after it. The debtor will be able to act in order to create or increase his state of insolvency until the time when the creditor obtains an enforceable title, thus foreshadowing the unfavorable solution given by the judge. Therefore, the fact that the holder of the right to claim had not obtained, at the time of the conclusion of the allegedly fraudulent act, a title will not constitute a legal impediment to the promotion of the revocatory action [10].

Next, in a progressive manner, under the guidance of the doctrine, the jurisprudence explains the significance of the certain character of the claim. Therefore, the certain character of the claim presupposes that it has an undoubted existence and that it is not extinguished on the date of the revocatory action formulation (by prescription, payment, confusion, etc.). If the legislator's option had been to promote a revocatory action only by the creditor who holds an enforceable title, as in the case of the oblique action, the provisions of Art. 1563 Civil Code would have had a completely different configuration. The requirement of the existence of a "certain debt" in reality does not refer to the establishment of a pecuniary amount defined by an enforceable title, which the defendant is ultimately obliged to pay. The law aims the existence of a certain claim (debt right), that is, the *lato sensu* subjective right to which corresponds a civil obligation of the debtor [11].

Regarding the date of the creditor-plaintiff's claim, it is uniformly noted that if it is previous, the Paulian fraud is justified to be repressed through a revocatory action [12].

In the practice of the courts, it was held that in a case about a damage created by an illegal act, which entails the tortious civil liability of the guilty party, there is no impediment to establish that there exists in the patrimony of the plaintiff a certain right of claim, correlative to an obligation to compensate.

The certain nature of the right to claim in the event of tortious civil liability at the date of the action is confirmed by the provisions of Art. 1381 para. 2 of the Civil Code, which state that the right to reparation arises from the day the damage was caused, even if this right cannot be exercised immediately. Therefore, the right of claim asserted by the creditor is certain from the date of the damage. On the other hand, if the correlative obligation to cover the damage falling

on the person sued is an aspect intended to be the subject of the judicial procedure, in the absence of the agreement of the parties in this regard, the judges are called to verify the cumulative fulfillment of the conditions related to fault, injury, ratio of causality. And the ratification of the conditions provided by Art. 1357 of the Civil Code in the person of the defendant validates the certain character of the right of claim borned from the moment of the illicit act, establishing at the same time that the plaintiff had a certain claim at the time of filling the revocatory action [13].

## Conclusions

The present study reveals the commendable and progressive manner in which the legislator has regulated in the present Civil Code the revocatory action and its conditions of admissibility, at the same time capturing the doctrinal opinions, in some places divergent, and the practice of the courts that allow itself to be guided by the doctrine with a majority view.

## REFERENCES

- [1] Pop L., Popa I. Fl., Vidu St. I., (2012), *Tratat elementar de drept civil. Obligațiile conform noului Cod civil*, Ed. Universul Juridic, București, 2012, p. 771; Pop, L., (2006), *Tratat de drept civil. Obligațiile. Volumul 1 - Regimul juridic general*, Ed. C.H. Beck, București, p. 396-398; Nicolae M., (2006), *Tratat de publicitate imobiliară. Noile Cărți funciare.*, vol. II, Ed. Universul Juridic, București, 2006, p. 312-333.
- [2] Pop L., (2006), *Tratat de drept civil. Obligațiile. Volumul 1 - Regimul juridic general, op.cit.*, p. 391.
- [3] Vasilescu P., (2012), *Drept civil. Obligații în reglementarea noului Cod civil*, Ed. Hamangiu, București, p. 109.
- [4] Civil decision no. 1794 of November 8, 2021 (unpublished), pronounced by the Tribunal Constanta.
- [5] Civil decision no. 178 of March 19, 2015, pronounced by the Tribunalul Cluj, available on-line on <https://www.avocatura.com/speta/319441/actiune-pauliana-tribunalul-cluj.html>.
- [6] Pop L., Popa I. Fl., Vidu St. I., (2012), *Tratat elementar de drept civil. Obligațiile conform noului Cod civil*, op. cit., p. 770.
- [7] *Ibidem*.
- [8] Vasilescu P., (2012), *Drept civil. Obligații în reglementarea noului Cod civil*, op. cit, p. 109-110.
- [9] Baias Fl. A., Chelaru E., Constantinovici R., Macovei I., (2014), *Noul Cod civil. Comentariu pe articole*, Ed. C.H. Beck, București, 2014, p. 1771.
- [10] Civil decision no.118 of April 7, 2021 (unpublished), pronounced by the Court of Appeal Constanta.
- [11] *Ibidem*
- [12] Vasilescu P., (2012), *Drept civil. Obligații în reglementarea noului Cod civil*, op. cit, p. 109-110; Pop L., (2006), *Tratat de drept civil. Obligațiile. Volumul 1 - Regimul juridic general, op.cit.*, p. 388.
- [13] Civil decision no. 118 of April 7, 2021 (unpublished), pronounced by the Court of Appeal Constanta.

# **Plea Bargaining. A Comparative Study of Romanian and US Judicial Procedures**

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## **Abstract**

The present article summarizes a comparative study of Romanian and US judicial procedures regarding a very controversial procedure that has become common practice in the American legal system, that is plea bargaining. An overall perspective over the evolution of the concept as well as its advantages and disadvantages are offered in a brief synthesis. Aspects related to its applicability and particularities in the Common Law legal system and Civil law legal system are analysed and compared. Implications for the use of this judicial procedure are discussed.

*Keywords: plea bargaining, guilty plea, Common Law, Romanian legal system, trial, pre-trial settlement, judicial procedures, advantages*

## **Definition and Background**

Plea bargains are agreements between defendants and prosecutors in which defendants agree to plead guilty to some or all the charges against them in exchange for concessions from the prosecutors. In plea bargains, prosecutors usually agree to reduce a defendant's punishment. They often accomplish this by reducing the number of charges or the severity of the charges against defendants. They might also agree to recommend that defendants receive reduced sentences. Some plea bargains require defendants to do more than simply plead guilty. For example, prosecutors often offer favourable plea bargains to defendants who agree to testify for the state in cases against other defendants.

For most of the history of the common law, Anglo-American courts did not encourage guilty pleas but actively discouraged them. It was basically rare in the United States until the 19<sup>th</sup> century and even looked upon with misgiving. Thus, since then, the rate of utilization of plea bargaining steadily grew, due to several reasons, like the national crime wave from the late 1960s until the early 1980s; a stronger recognition of the protections provided by due process, which gave defendants more room for bargaining; and simply the increasing familiarity and ease with the procedure in the nation's courtrooms. [1]

In recent years, American criminal courts have become increasingly more dependent on guilty pleas, but the positive media attention that plea bargaining currently enjoys in legal and social science circles is a very recent development.

The Anglo-Saxon legal system has accepted that a defendant accused of a crime be convicted based on the recognition of that deed. Therefore, the plea agreement can be concluded in most of US states with respect to any offense, regardless of punishment. According to the US Department of Justice's Bureau of Justice Assistance, an overwhelming majority (90 to 95 per cent) of cases result in plea bargaining. [1]

Unlike the US legal system, where the procedure of the plea bargain is applicable even in the case of serious offenses, the EU states limit the applicability of this institution to a limited number of less serious offenses.



In the Romanian judicial system, the criminal procedure code contains two procedures in which the trial is carried out by not following the specific classic rules: the judicial investigation in case of acknowledging the accusation (art. 377 of the Criminal Procedure Code) and the plea agreement (art. 478-488 of the Criminal Procedure Code). The provisions in question do not affect the right to a fair trial or the presumption of innocence since, in the jurisprudence of the European Court of Human Rights, it was ruled that the right guaranteed by Article 6 of the Convention is not an absolute right, but one which the party may validly waive.

### **Particularities of the Plea Bargain or Guilty Plea in the US**

In the United States the validity of a plea bargain must meet certain constitutional norms in addition to any local statutory requirements or rules of the court. It is the court's duty to insure that all the necessary elements of a valid guilty plea have been met. [2]

The U.S. generally recognizes three types of Plea Bargains- charge bargaining, sentence bargaining, and fact bargaining. [3] Charge Bargaining is the most common form of plea bargaining, where the defendant agrees to plead guilty to a lesser charge provided that greater charges will be dismissed. A typical example would be to plead to manslaughter rather than murder. Sentence Bargaining is far less common and more tightly controlled than charge bargaining. This is when a defendant agrees to plead guilty to the stated charge in return for a lighter sentence. Typically, this must be reviewed by a judge, and many jurisdictions simply do not allow it. Fact bargaining is the least common form of plea bargaining, and it occurs when a defendant agrees to insist on to certain facts in order to prevent other facts from being introduced as evidence. Many courts don't allow it, and in general, most attorneys do not favour using fact bargains.

### **Particularities of the Plea Bargain or Guilty Plea in Romania**

#### ***Parties to the Guilty Plea and Its Limits***

During the criminal investigation, after the formal filing of charges, the defendant and prosecutor can conclude an agreement as a result of the defendant pleading guilty.

The effects of the guilty plea shall be subject to approval by the hierarchically superior prosecutor.

The guilty plea can be initiated by both the prosecutor and the defendant.

The limits of the guilty plea shall be set by prior written agreement from the hierarchically superior prosecutor.

If formal charges have been filed against several defendants, a distinct guilty plea can be concluded with each one of them, without impact on the benefit of the doubt extended to defendants who have not concluded such an agreement.

Underage defendants cannot enter a guilty plea. [4]

#### ***Object of the Guilty Plea***

The object of the guilty plea is admittance to have committed the offense and accepting the charges on which criminal action has begun. It also refers to the type and amount of punishment, as well as how the punishment shall be served. [4]

### ***Conditions for Concluding a Guilty Plea***

A guilty plea can only be concluded concerning the offenses for which the law requires a penalty of a fine or no more than 15 years of imprisonment.

A guilty plea can be concluded when the gathered evidence provides sufficient information that the offenses for which charges have been filed exists, and that the defendant is the author of that offense. On entering a guilty plea legal assistance is mandatory. [5]

### **Advantages**

In the USA, it was between the mid-19th to the early 20th century that plea bargaining became de facto the preferred procedure for handling an ever-increasing number of criminal cases. There were no formal reforms of procedural law or court decision. It was a practice introduced by prosecutors to deal with the population growth, especially in large cities like New York, Chicago, Boston and others; with the increasing crime rates and consequent caseload, themselves stemming from more police officers, more laws, and improving investigating techniques; and with the growing complexity of trial procedures. [6]

The advantages observed in the United States remain very similar to the ones observed in Romania. the most evident is the economy of resources. Among the advantages of introducing this procedure, the most important is the economic advantage, because the traditional model of the criminal process is a complex and over procedural one, which becomes expensive both in terms of time and money. Also, the economic aspect is beneficial to the accused, implying the minimization of the judicial expenses incurred. [7]

Another advantage of the guilty plea agreement procedure is the relief of the overburdened courts, by resolving certain types of criminal cases in which there is no real dispute according to the intended settlement procedure. Often, in cases with overwhelming evidence, the only dispute between the prosecutor and the defense attorney is regarding the punishment. Under the legal provisions governing the procedure of the plea agreement, this punishment can be negotiated without being administered by the court. This provides judges with the space and time to turn to other cases that require increased attention and are more responsive in terms of outcome. [7]

Moreover, the procedure of the plea agreement does not only reduce the duration of the trial, but also simplifies the activity within the criminal investigation procedure.

Plea bargaining offers social and psychological advantages as well. One the benefits provided by the guilty plea agreement is the avoidance of social stigma. The psychological element can be seen as both an advantage and a disadvantage. The advantage consists in the positive effect that the conclusion of such an agreement produces at the level of the defendant's conscience. By him/her participating in the decision on the punishment, he/she can feel that he/she is preserving his/her dignity, perhaps giving a new meaning to respect for the law and criminal institutions.[7]

### **Disadvantages**

Given that the special procedure of the plea agreement must be adapted to the multitude of situations and circumstances, critics and criticism have appeared in the specific literature.

One of the main sources of criticism is the possibility of an in just outcome. A fundamental opinion is that, in such cases, the defendant's participation in the decision-making process is more illusory, given that most of the time one does not have specialized training.

The correctness and fairness of this method, as a procedure for solving criminal cases is one of the most substantial aspects to be criticized. This concerns the fact that the accused, being

lured with quantitative advantages, is practically determined to give up the initiative to support his proof of innocence. What it is also called into question is the guarantee of the right to a fair trial as long as the system offers the defendant an incentive to waive his right to a trial. Negotiations to reach an agreement may also humiliate the investigator, prosecutor and/or judge because they will have to bargain with the offender who pleads guilty in exchange for a reduced sentence. [8]

Furthermore, plea bargaining is viewed as the root cause of multiple judicial error situations. Within the Romanian legal community, one of the most controversial debates regarding this type of agreement is the possibility of an innocent man to conclude a plea agreement in which he/she admits to an act he/she did not commit just because he/she does not want to risk being prosecuted and sentenced to a much greater punishment. One of Romania's biggest judicial error ("Anca case") was based on prosecutors extorting an innocent man to plead guilty for a crime he did not commit.

On the other hand, there is an emotional disadvantage regarding the victim. This, being excluded from the negotiation process, no longer benefits from the so-called "curative effect" which consists of the emotional consumption of revenge of the victim, an effect ensured by participating in the conviction of the defendant by the society. [8]

This perspective that is popular in our country is not far from the view some critics have in the United States. From the defendant's point of view, there is the advantage, at times illusory, that one can negotiate with the prosecution and obtain a much more lenient sentence than through a full-scale trial by cooperating with the prosecutor and by waiving one's right to a jury trial. This more lenient outcome is not guaranteed. It depends on a number of variables from the strength or weakness of the evidence that the prosecutor can gather to how valuable is the information that the accused can give the police and prosecutor to arrest and successfully prosecute someone else who might represent a major success for law enforcement and the prosecution. [9]

On the other hand, in a country that prides itself on being a beacon of democracy, the rule of law, the protection of human rights and enlightened justice policies, the exponential growth of plea bargaining is instead a clear signal that the American justice system is not working that well, that, on the contrary, is being skewed and distorted by the confluence of several negative factors.

Those who are not in favor of this system argue that since pleading guilty eliminates the jury that would be impaneled for a full-scale trial, judges, but especially prosecutors, gain much greater power over the conduct of the case, more control over the outcome of criminal cases, and are therefore more able to make defendants "offers that they cannot refuse". Also, most of the evidence illustrates that those who accept a plea are likely to receive a lighter sentence compared with those who opt for a trial. This disparity exists because prosecutors are granted wide discretion when reducing charges. These findings are problematic because they demonstrate that if a defendant opts to invoke the Sixth Amendment right to a trial by jury, he or she will likely have a more unfavorable outcome. [10]

Agreements that result from plea bargaining are also viewed as likely to determine inequality and possible breach of rights. Particular to the US judicial system, the disadvantage for the defendant is that plea bargaining is a form of extortion for guilty pleas. Citizens, who have never been in contact with the justice system, especially as defendants, firmly believe that they would never even consider pleading guilty. However, the reality of prosecution may be quite different from what people imagine it to be, especially if the government has a "witness" who is ready to lie in support of the prosecution or possibly strong circumstantial evidence. At that point, the defense attorney, particularly if court appointed or a public defender, will urge the suspect to agree to a lesser sentence instead of risking a much longer one. Thus, one's resolution to stand on one's constitutional rights to a jury trial may weaken dramatically.

## Conclusions

Although we cannot strongly state that the Romanian law system could be an example, regarding the plea bargaining, there could be a few alternative methods more realistic for U.S.A. to borrow from our system. These include limiting plea bargaining to certain types of charges, such as less serious crimes; limiting prosecutorial discretion by creating policy and legislation that calls for firmer guidelines when choosing sanctions for specific crimes; involving both judges and defence attorneys in the charge bargaining process so that there is more of a balance of power among all legal participants.

## REFERENCES

- [1] [https://www.law.cornell.edu/wex/plea\\_bargain](https://www.law.cornell.edu/wex/plea_bargain)
- [2] Frank N. G, Stephen H. (2008). Why Plea-Bargaining Fails to Achieve Results in So Many Criminal Justice Systems: A New Framework for Assessment <https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1481&context=facscholar>
- [3] <https://criminal.findlaw.com/criminal-procedure/plea-bargains-in-depth.html>
- [4] Alexandru Marcu, A. (2019). Procedura specială privind acordul de recunoaștere a vinovăției. <https://www.juridice.ro/662487/procedura-speciala-privind-acordul-de-recunoastere-a-vinovatiei.html>
- [5] Romanian Criminal Procedure Code
- [6] Alschuler A. V. (2015). Plea Bargaining and Its History, Columbia Law Review
- [7] Iugan A. V. (2015). Acordul de recunoaștere a vinovăției, Editura Universul Juridic, București, pp. 7-11.
- [8] Pascu M., Manea T. (2015). Acordul de recunoaștere a vinovăției, Editura Universul Juridic, București, pp. 19-20.
- [9] Viano C. E. (2012) Plea Bargaining in the United States: A Perversion of Justice. *Revue internationale de droit pénal*, 2012/1 (Vol. 83)
- [10] Devers L. (2011) Plea and Charge Bargaining Research Summary, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PleaBargainingResearchSummary.pdf>

## Formal Conditions for the Conclusion of Marriage

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### Abstract

The formal conditions for concluding a marriage are determined by its solemn character, being made up of all the formalities to which the law subjects the legal act of marriage.

The formalities that the law imposes in order to be able to conclude the marriage, as well as the oppositions to the marriage, are provided in order to ensure the conclusion of fully valid marriages, to prevent unhealthy marriages and to ensure the means of proof of marriage (art. 292 Civil Code).

The formal conditions of marriage are divided into three categories of formalities, namely formalities preceding the conclusion of the marriage, formalities regarding the celebration of the marriage and formalities subsequent to the conclusion.

*Keywords: marriage, formal conditions, proof of marriage.*

### Formalities Preceding the Marriage

#### *Declaration of Marriage*

Pursuant to art. 280 para. (1) Civil Code, art. 25 para. (1) sentence I of Law no. 119/1996 and art. 41 et seq. from Government Decision no. 64/2011, the marriage declaration must be made personally by the future spouses, in writing, at the Local Community Public Service for the Registration of Persons or, as the case may be, at the competent town hall, the diplomatic mission or the consular office where the marriage is to be concluded. Thus, completing or submitting her marriage declaration through a legal or conventional representative is not possible. The declaration of marriage does not produce legal effects regarding the marriage, its conclusion being subordinated exclusively to the consent expressed in front of the civil status officer on the date of the marriage celebration. [1]

In the situation where one of the spouses is a minor, according to art. 280 para. (3) Civil Code, the parents or, as the case may be, the guardian, personally make a statement approving the conclusion of the marriage. Regarding this aspect, the doctrine specifies that the declaration of the parents or the guardian does not replace the declaration of marriage of the future spouses, but only has the role of approving the marriage of the future minor spouse, based on art. 272 para. (2) Civil Code [2]

If one of the future spouses, parents or guardians, is not in the locality where the marriage is to be concluded, they can make the declaration at the town hall in whose territorial radius they have their domicile or residence, which transmits it, within 48 hours, to the Public Service Local Community Registry of Persons or, as the case may be, the town hall where the marriage is to be concluded.

Regarding the content of the marriage declaration, art. 281 Civil Code provides that, by this, the future spouses will show that there is no legal impediment to the marriage and will mention the surname they will have during the marriage, as well as the matrimonial regime chosen. Along with the declaration of marriage, they will present the evidence required by law to conclude the marriage.

### ***Duties of the Civil Status Officer in Relation to the Declaration of Marriage***

After receiving the marriage declaration, the civil status officer proceeds to verify its content and the documents that accompany it, being obliged to compare the data entered in the marriage declaration with the presented documents and order, if necessary, their completion or restoration.

Another obligation of the civil status officer is to publish the marriage declaration, by displaying it in the extract, on the day it was received, at the special place set up at the Local Community Public Service for the Registration of Persons or of the town hall, respectively of of the diplomatic mission or consular office where the marriage is to be concluded, as well as on the website of the institution where the marriage is to be concluded.

### ***Health Communication***

The obligation of future spouses to inform each other of their state of health was established in order to protect the spouses, but there are also reasons of public order, medical or eugenics, which require the prevention of the transmission and spread of certain diseases. A sick person, with few exceptions expressly provided by the law, can marry, but the legislator wanted the other spouse to be informed and be able to make an informed decision whether he wants to conclude the marriage under these conditions or not. [3]

In the current regulation, the communication of the state of health is a prohibitive condition, its violation can only involve sanctioning the civil status officer who concluded the marriage without requesting the medical documents.

But what is really necessary to mention is that, if one of the spouses failed to present such a document in order to hide the fact that he suffers from an illness that could affect the normal development of family relations between the spouses, this marriage it could be affected by relative nullity, in the form of dole through reluctance.

This dole through reluctance represents the circumstance in which one of the contractual partners, in our case one of the future spouses, hides an essential circumstance (the existence of a serious disease, most often a sexually transmitted disease), which should have been known at the time of the conclusion of the act, in order to a correct impression of reality was formed by the other party.

### ***Opposition to Marriage***

In the marriage procedure, a dilatory period of 10 days is regulated in which an extract from the declaration of marriage submitted by the future spouses is displayed at the town hall in the locality where the marriage will be concluded, but also in the localities of residence of the declarants. The marriage is concluded only after the 10-day period from the display of the marriage declaration, a period established as a period of thinking, but also so that any person can object to the marriage, if there is a legal impediment or if other requirements of the law do not are fulfilled. [1]

According to art. 285 Civil Code, opposition to marriage must satisfy the following requirements:

- to be made in written form;
- to show the factual or legal circumstance or the reason why the marriage cannot be concluded;
- to present the evidence on which it is based;
- the opponent must sign the opposition.

Pursuant to art. 286 Civil Code, the civil status delegate is obliged to check whether the oppositions or the information received are real. He will refuse to celebrate the marriage if, based on the oppositions received or the information he possesses, if these are well-known, he finds that the conditions provided by the law are not accomplished.

## **Formalities Regarding the Celebration of Marriage**

### ***Competence of Civil Status Officer***

The material competence to conclude the marriage belongs to the civil status officer, and the personal and territorial competence overlap, being competent, as a rule, the civil status officer in whose territorial radius the future spouses are domiciled or have their residence. The celebration of marriage outside the civil status service is possible only under the conditions of the law. These cases are those regulated by art. 24 and art. 7 of Law no. 119/1996:

- if, for valid reasons, one of the future spouses is unable to be personally present;
- the situation of the conclusion of the marriage on board a ship under the Romanian flag on a voyage outside the country's borders, between two Romanian citizens. [1]

From the above, it follows that, from the point of view of the civil status officer's competence, the solemnity of the marriage is conditioned only by compliance with the material competence, because only this condition is required *ad validitatem*.

### ***Place of Marriage***

Art. 279 para. (1) Civil Code provides that the place of marriage is the town hall. The text must be corroborated with art. 287 Civil Code, which shows that the future spouses are obliged to appear together at the town hall, to give their consent to the marriage publicly, in the presence of two witnesses, in front of the civil status officer. However, according to art. 287 para. (2) Civil Code, the marriage can also be concluded outside the headquarters of the community public service for the record of persons or, as the case may be, of the competent town hall, with the approval of the mayor.[4]

By exception, the marriage can be celebrated, with the mayor's approval, by a civil status officer from a town hall other than the one in whose territorial radius the future spouses reside or have their residence, with the obligation to notify the town hall of domicile or residence of the future spouses, for publication.

### ***Date of Marriage Ceremony***

The conclusion of the marriage takes place on the date fixed by the future spouses through the marriage declaration, after the expiry of the 10-day period from the display of the marriage declaration, at the town hall in the locality also established by the marriage declaration. The term is a material one, which is calculated on full days, including both the date of publication and the date of the conclusion of the marriage. In this interval, interested persons can formulate oppositions to the marriage. The term is a dilatory one, the marriage cannot be concluded before its expiration.

### ***Witnesses to the Marriage***

Along with the note of solemnity and publicity it adds to the ceremony of officiating the marriage, the presence of witnesses is intended to prevent possible fraud regarding the identity of future spouses. [5] According to the current legislation, the presence of two witnesses is mandatory at the marriage celebration. The witnesses attest to the fact that the spouses expressed their consent according to art. 287 Civil Code, meaning personally and publicly, in front of the civil status officer. [1]

Incapacitated persons, as well as those who, due to a mental or physical deficiency, are not capable of being witnesses to the facts provided for in art. 288 para. (1) Civil Code.

Witnesses can also be relatives or relatives, regardless of degree, with any of the future spouses, pursuant to art. 288 para. (2) and (3) Civil Code.

### ***The Language in Which the Marriage Is Solemnized***

The marriage is celebrated in Romanian language, as the official language of the Romanian state. However, according to art. 287 para. (3) C. civ., persons belonging to national minorities may request the celebration of marriage in their native language, provided that the civil status officer or the one who officiates the marriage knows this language.

### ***The Moment of Marriage***

The moment of concluding the marriage is when the civil status officer takes the consent of each of the future spouses and declares them married, according to art. 289 Civil Code. Marriage registration is only a means of proof (not being a required condition *ad validitatem*).

Determining exactly when the marriage is concluded is of particular legal importance: on the one hand, it is the temporal benchmark of the triggering of the effects of the marriage, and on the other hand, it will guide the judicial investigation regarding the validity of the marriage whenever the court is notified in this regard. [5]

### **Formalities Following the Conclusion of the Marriage**

The conditions coming from the solemn nature of the marriage continue even beyond the moment of the marriage celebration, with a series of procedural formalities that are the responsibility of the civil status officer, most of which are intended to provide proof of the marriage.

Thus, the formalities following the conclusion of the marriage are [4]:

- *drawing up and registering the marriage certificate by the civil status officer*; in this sense, art 290 C. civil and art. 29 para. (1) from Law no. 119/1996 provide that, after the civil status officer declares them married, he reads them the provisions regarding the rights and duties of the spouses from the Civil Code and immediately draws up the marriage certificate, which is signed by the spouses, the two witnesses and the officer of marital status.

- *the communication by the civil status officer of a copy of the marriage certificate to the National Notarial Registry of Matrimonial Regimes, as well as, if a matrimonial agreement has been concluded, to the notary public who authenticated it.*



## **Proof of Marriage**

According to art. 292 Civil Code, marriage is proven by the marriage certificate and the marriage certificate issued on its basis. However, in the situations provided by law, marriage can be proven by any means of evidence.

## **Conclusion**

The purpose pursued by the legislator by dictating the formal conditions of marriage is to ensure the conclusion of a marriage according to legal requirements for the purpose of founding a lasting, healthy family, both from a physical and moral point of view.

## **REFERENCES**

- [1] C. C. Hageanu (2012), *Dreptul familiei și actele de stare civilă*, Hamangiu Publishing House, Bucharest.
- [2] T. Bodoască (2015), *Dreptul familiei*, Universul Juridic Publishing House, Bucharest.
- [3] T. Bodoască, A. Drăghici, I. Puie, I. Maftai (2013), *Dreptul familiei*, Universul Juridic Publishing House, Bucharest.
- [4] M. Avram (2016), *Drept civil. Familia.*, 2nd edition, revised and added, Hamangiu Publishing House, Bucharest.
- [5] E Florian (2016), *Dreptul familiei. Căsătoria. Regimuri matrimoniale. Filiația.*, Edition 5, Publishing House C.H. Beck, Bucharest.

# **Considerations Relating to the Prohibition of Marriage Between the Guardian and the Person Under Their Guardianship and Opposition to the Marriage of the Person Receiving Legal Advice or Special Guardianship**

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## **Abstract**

Law No. 140/2022 on certain protection measures for persons with intellectual and psychosocial disabilities and amending and supplementing certain normative acts, marking a paradigm shift in the protection of individuals with disabilities, brings undeniable novelties in relation to the conditions under which these individuals can exercise their right to marry. From this perspective, the non-alternative solution of prohibiting the marriage of a mentally ill or mentally impaired person in the previous regulation has been abandoned and specific requirements for the exercise of this right by a person with intellectual and psychosocial disabilities have been established.

The study is devoted to the analysis of the provisions of the Civil Code and Law no. 119/1996 on civil status documents, as amended and supplemented by Law no. 140/2022, concerning the conditions under which a person benefiting from legal advice or special guardianship may marry. In this case, I present the prohibition of the marriage of the guardian to the person under their guardianship, as well as the opposition to the marriage of the person benefiting from judicial advice or special guardianship. With regard to aspects not explicitly or implicitly regulated, I have substantiated some opinions, the relevance of which will be certified by the doctrine and case law on the subject.

*Keywords: intellectual and psychosocial disabilities, legal counselling, special guardianship, marriage, opposition to marriage.*

## **Preliminary Clarification**

By Decision no. 601/2020 [1], the Constitutional Court found that the provisions of art. 164 para. (1) Civil code [2] are unconstitutional, due to the fact that they contravene the provisions of art. 1 para. (3), art. 16 para. (1) and art. 50 reported to art. 20 para. (1) from the Constitution [3], as well as art. 12 of the Convention on the Rights of Persons with Disabilities [4].

With a significant delay, the Law No. 140/2022 on certain protection measures for persons with intellectual and psychosocial disabilities and amendment and completion of certain normative acts was adopted [5]. This normative act constitutes a “far-reaching legislative intervention in the field of civil law protection measures available to natural persons with intellectual and psychosocial disabilities, which entails the creation, in both ordinary and special legislation [6], of adequate legal support and protection instruments for these categories of persons, ensuring respect for their dignity, rights and freedoms, as well as their will, needs and preferences and safeguarding their autonomy”, The adoption of this law responds to the need for “a paradigm shift in this area, in order to bring national legislation in line with the requirements of the Convention on the Rights of Persons with Disabilities” [7].

Due to the fact that the provisions of art. 164 para. (1) Civil code have been brought in line with the provisions of the Constitution and Article 12 of the Convention on the Rights of Persons with Disabilities only from the date of entry into force of the Law nr. 140/2022 [8], they ceased to have effect within 45 days of the date of publishing the Decision no. 601/2020 in the Romanian Official Gazette, Part I (January 27<sup>th</sup>, 2021). During this time, the provisions of art. 164 para. (1) Civil code, were rightfully suspended [9].

Somewhat constrained by the limits of the referral [10], the Constitutional Court did not rule on the constitutionality of other legal provisions regulating various effects of placing an individual under a judicial interdict, which remained in force until the entry into force of Law no. 140/2022 [11]. In the period between the publication of Constitutional Court Decision No. 601/2020 in the Official Gazette and the date of entry into force of Law No. 140/2022, the courts, when hearing applications for an injunction, have adopted different solutions. Some rejected these applications as inadmissible, while others, on the contrary, allowed them [12].

Art. 164 Civil code, as amended and completed by art. 7 point 22 of Chapter II of the Law no. 140/2022, replaced the placing of the natural person under judicial prohibition by the measure of judicial advice or special guardianship, as appropriate.

Under the current rules, a natural person may benefit from legal counselling if he or she suffers from a partial impairment of his or her mental faculties and it is necessary for him or her to receive ongoing counselling in the exercise of his or her rights and freedoms. This measure may be introduced only if adequate protection of the protected person cannot be ensured through the provision of assistance in the conclusion of legal acts [13]. A natural person who has reached of age and is receiving legal advice, like a minor who has reached the age of 14, has restricted legal capacity [14].

On the other hand, a natural person may benefit from special guardianship if he or she suffers from a total and, where appropriate, permanent impairment of his or her mental faculties and it is necessary for him or her to be continuously represented in the exercise of his or her rights and freedoms. Special guardianship may be granted only if adequate protection of the protected person cannot be ensured through the provision of assistance in the conclusion of legal documents or legal counselling [15]. A natural person of full age under special guardianship lacks legal capacity [16].

By the decision establishing legal advice or special guardianship, the guardianship court shall determine, according to the degree of autonomy of the person protected and his or her specific needs, the categories of acts for which it is necessary to authorize his or her acts or, where appropriate, his or her representation. The court may order that the guardianship measure shall concern only one category of acts. The court may also order that the protective measure shall relate only to the protected person or only to his/her property. As a matter of principle, the order for protective measures shall not affect the capacity of the protected person to perform legal acts for which the court has determined that the guardian's consent or, where applicable, representation is not required [17].

In the case of a person receiving legal advice and a person who is under special guardianship, the guardianship duties are carried out by a guardian appointed by the guardianship court. In this case, based on art. 170 para. (1) Civil code, "the guardianship court shall appoint the person who will exercise the function of guardian from the date of the finality of the judgment by which the guardianship or special guardianship measure was taken" [18].

### **Prohibition of Marriage Between the Guardian and the Person Under Their Guardianship**

Art. 7 point 40 of Chapter II of the Law no. 140/2022 [19] amended art. 275 Civil code, in the sense that it prohibits marriage between the guardian and the person who is under their

guardianship. Before the amendment, art. 275 Civil code prohibited only marriage between the guardian and the minor under their guardianship.

Art. 44 para. (1) of the Law no. 272/2004 on the protection and support of the rights of the child [20] provides for alternative protection, including guardianship, for the child [21] deprived, temporarily or permanently, of the care of his parents or who, in his own interest, cannot be left in their care. Situations in which parents are unable to care for the child are determined by art. 110 Civil code [22].

According to art. 272 para. (2) – (5) Civil code, it is also possible for a minor who has reached the age of 16 to marry. Art. 272 para. (2) Civil code evokes the situation where this minor is looked after by the guardian [23].

A person who has become of age and is receiving legal advice or special guardianship may also be under the guardianship of a guardian, according to art. 170 para. (1) Civil code [24].

Currently, the prohibition concerns both the minor (child) and the adult natural person. What is new in the new rules is the extension of the prohibition on marriage between a guardian and an adult natural person who is under legal advice or special guardianship and who is under the guardian's care.

*Per a contrario*, subject to compliance with the other legal requirements, it is not prohibited to marry a person receiving legal advice or special guardianship to another person who is not his or her guardian.

The measure prohibiting marriage between the guardian and the natural person under his guardianship is sensible, on the assumption that the expression of consent to marriage by a person of full age under legal guardianship or special guardianship, like that of a minor under guardianship, may be influenced by the influence which the guardian may exert over him [25] by virtue of his moral ascendancy. In essence, the aim is to respect the requirement of freedom of consent to marriage [26]. In the doctrine, having affirmed the moral nature of the prohibition, it has been considered that it is based on the fact that the guardian is substituted for the parental rights and duties towards the ward [27]. Under the current rules, this doctrinal thesis remains valid only if the minor is in a position to marry his guardian.

The legislator, ignoring the motivation for this prohibition, was not concerned with the transitional situation where, until the guardianship measure is established and the guardian takes up his duties, a special guardian has been appointed [28]. It also ignored the situation where none of the persons specified by law assumes the guardianship and the guardianship court appoints a personal representative for the protected person [29]. In such cases, even if the same reasons exist, the provisions of art. 275 Civil code, as the person providing care is not a guardian. In order to remedy this situation, I consider it appropriate to amend *de lege ferenda* the provisions of Article 275 to the effect that 'marriage between the guardian and the person who has guardianship is prohibited'.

The marriage settlement between the guardian and the person under his guardianship is voidable [30].

The holder of the action for annulment of the marriage is the person under protection, according to art. 300 para. (2) Civil code [31]. This provision, even if it is consistent with the purpose of relative invalidity, which is to protect a particular interest [32], is an exception to the principle *nemo auditur propriam turpitudinem* (no one can make his own turpitude a legitimate title to take legal action) [33]. The exception is based on the special situation of the protected person and supports the thesis that she has given her consent to the marriage following the guardian's capture of her.

As a principle, the question arises whether the protected minor will be assisted or represented in this process. The answer is in the negative, since, until the date on which the judgment annulling the marriage becomes final, the minor will benefit from the provisions of art. 39 para. (1) Civil code, in that she has full legal capacity acquired as a result of marriage.

The guardian's failure to marry the ward, being a disregard of a legal provision concerning him or her, constitutes grounds for removal from guardianship, according to art. 158 Civil code.

According to art. 92 para. (1) Civil procedure code, an action for annulment of a marriage may also be brought by the public prosecutor, provided that it is necessary “for the protection of the rights, freedoms and legitimate interests of minors, persons under legal guardianship or special guardianship and missing persons...” [34].

### **Opposition to Marriage in the Case of the Marriage of a Person Receiving Legal Advice or Special Guardianship**

Under the current rules, in principle, it is not forbidden to marry a person receiving legal advice or special guardianship. However, given the special situation of the persons concerned, legal levers have been created for the court to verify in advance their capacity to give valid consent to marriage and to cope with the tasks of marriage.

In this case, according to art. 276 Civil code, “the person receiving legal advice or special guardianship shall notify in advance, in writing, the guardian under whose protection he/she is, of the formulation of the declaration of marriage, and the latter may oppose the marriage under the law”. The provisions of art. 276 Civil code were amended by art. 7 point 41 of the Law no. 140/2022. Prior to the amendment, they prohibited the marriage of the alienated and mentally retarded [35].

The provisions of art. 276 Civil code, marks a radical change of option with regard to the marriage of a person who, suffering from a partial or total deterioration of mental faculties, benefits from legal counselling or special guardianship. The non-alternative solution of prohibiting marriage has been abandoned in favour of one which offers the possibility of deciding on the basis of the person's specific situation.

The obligation to provide information must be fulfilled before the declaration of marriage is made. I would like to stress that the marriage declaration must be drawn up in person by the future spouses at the town hall or the local public community personal registration service where the marriage is to take place [36], constituting the most important document in the marriage record.

The information shall be in writing. Where the law does not require a particular form of document, it may be signed privately or by authentication. There is nothing to prevent the document from being electronic. Regardless of the form, the document must contain the identity of the future spouse, the guardian's information about his or her intention to marry, the date and signature.

The future spouse must prove that he or she has fulfilled the obligation to inform the guardian of his or her intention to marry, according to art. 25 para. (3) letter c) of the Law no. 119/1996 [37]. The proof will be attached to the marriage certificate and constitutes an exhibit to the marriage record.

The question arises as to the legal remedy if the future spouse does not fulfil the obligation to inform the guardian. In this case, the civil registrar, finding that a condition laid down by law has not been met, will refuse to celebrate the marriage, according to art. 286 Civil code.

Following the information, the guardian has the possibility to object to the marriage. In other words, the guardian has a right of choice, whether or not to oppose the marriage on this ground. There is nothing to prevent the guardian from objecting to the marriage of the protected person on grounds other than the fact that he or she is in receipt of legal advice or special guardianship. Under the same conditions of common law, opposition to the marriage on the ground that the future spouse is in receipt of special counselling or special guardianship may be made by any other person.

The opposition is formulated under the “conditions of the law”, which means that it must meet the conditions set out in para. 285 (2) of the Civil Code, i.e. it must be made in writing and show the evidence on which it is based [38]. Just as in common law, the guardian is not required to prove a personal interest by promoting the opposition.

By way of derogation from common law, under art. 28 para. (1<sup>1</sup>) of the Law no. 119/1996 [39], “where opposition is lodged against the marriage of a person who is under legal advice or special guardianship, the civil registrar shall immediately refer the matter to the guardianship court, which shall rule on the merits of the opposition”. It should be noted that the legal text does not distinguish whether the opposition is lodged by the guardian or by a third person. It is sufficient for it to apply if the opposition concerns the marriage of a person who is the beneficiary of legal advice or special guardianship. A possible restrictive interpretation of the text of art. 28 para. (1<sup>1</sup>) of the Law no. 119/1996, in the sense that it applies only where the opposition is lodged by the guardian, would clearly be unreasonable, contrary to the principle of *ubi eadem est legis ratio ibi eadem est legis dispositio* (where the rationale of the law is the same and the provision of the law is the same [40]).

I emphasize that, under ordinary law, opposition to marriage is examined by the civil registrar and, if he finds that the conditions laid down by law are not met, he refuses to solemnize the marriage, according to art. 286 Civil code [41]. The civil registrar's refusal to conclude the marriage is recorded in a report. The dissatisfied person may bring the matter before the court in whose territorial district he or she resides, in accordance with art. 28 para. (1), respectively para. (2) of the Law no. 119/1996. In other words, if the opposition concerns the marriage of a person who is receiving legal advice or special guardianship, the only authority entitled to rule on the merits of the opposition is the guardianship court.

Even if the law does not provide for it, the merits of the opposition concern the person's capacity to give valid consent to the marriage and to cope with the duties of the marriage. It could not be argued that, in ruling on the merits of the opposition, the guardianship court is forced to find only that there is a final court judgment by which, in respect of the future spouse, the measure of legal advice or special guardianship was previously imposed. Such a finding could also be made without difficulty by the civil registrar. It cannot be ignored that, following the amendments which have been made, the Civil Code does not generally prohibit the marriage of a person who benefits from one of these measures, but only their marriage to the person who is their guardian. Without going into detail, it should be noted that relatively numerous provisions of the Civil Code refer to the situation in which the married person benefits from legal advice or special guardianship [42].

The court having jurisdiction to rule on the merits of the opposition is the guardianship court, in this case the court within whose territorial jurisdiction the protected person's domicile or residence is situated, according to art. 107 para. (1) and art. 265 Civil code corroborated with art. 94, point 1 letter a) and art. 114 para. (1) Civil procedure code.

The guardianship court shall be forced to solve the case without delay [43] and shall give its decision by way of an order subject only to appeal [44].

## REFERENCES

- [1] The Decision of the Constitutional Court no. 601/2020 on the plea of unconstitutionality of the provisions of art. 164 para. (1) of the Law no. 287/2009 on the Civil Code was published in the Romanian Official Gazette, Part I no. 88 from January 27<sup>th</sup>, 2021.
- [2] Art. 164 para. (1) Civil code provided that “a person who lacks the discernment necessary to look after his or her own interests, because of mental alienation or mental weakness, shall be placed under judicial prohibition”. This text took over, with minor changes of wording, the provisions of art. 142 para. (1) of the Family code (Law no. 4/1953).
- [3] According to the Constitution: “Romania is a democratic and social state governed by the rule of law, in which human dignity, the rights and freedoms of citizens, the free development of the human personality,

justice and political pluralism are supreme values...” [art. 1 para. (3)]; “Citizens are equal before the law and public authorities, without privileges and without discrimination” [art. 16 para. (1)]; “People with disabilities enjoy special protection. The State shall ensure the implementation of a national policy of equal opportunities, prevention and treatment of disability, with a view to the effective participation of persons with disabilities in the life of the community, while respecting the rights and duties of parents and guardians.” [art. 50]; “The constitutional provisions on the rights and freedoms of citizens shall be interpreted and applied in accordance with the Universal Declaration of Human Rights, the covenants and other treaties to which Romania is a party.” [art. 20 para. (1)].

- [4] The Convention was adopted by the United Nations General Assembly in New York on December 13th, 2006. Romania ratified the Convention by Law No. 221/2010 (published in the Romanian Official Gazette, Part I, no. 44 of February 25th, 2010). Art. 12 of the Convention, under the marginal heading “equal recognition before the law” provides: “1. States Parties reaffirm that persons with disabilities have the right to recognition, wherever they are, of their legal capacity. 2. States Parties shall recognize that persons with disabilities enjoy legal assistance on an equal basis with others in all areas of life. 3. States Parties shall take all appropriate measures to ensure that persons with disabilities have access to the support they may need in the exercise of their legal capacity. 4. States Parties shall ensure that all measures relating to the exercise of legal capacity provide for adequate and effective protection to prevent abuse in accordance with international human rights law. Such protection shall ensure that measures relating to the exercise of legal capacity respect the rights, wishes and preferences of the person, are free from conflict of interest and undue influence, are proportionate and tailored to the person's situation, apply for the shortest possible period of time and are subject to periodic review by a competent, independent and impartial authority or judicial body. Protective measures shall be proportionate to the degree to which such measures affect the rights and interests of the person. 5. In accordance with the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to manage their own income and to have equal access to bank loans, mortgages and other forms of financial credit and shall ensure that persons with disabilities are not arbitrarily deprived of their property.” Law no. 140/2022 was published in the Romanian Official Gazette, Part I no. 500 of May 20th, 2022.
- [5] Chapter III of the Law no. 140/2022 is devoted to amending and supplementing provisions of various special laws.
- [6] Explanatory memorandum to Law No. 140/2022.
- [7] According to art. 26 para. (1), Law no. 140/2022 entered into force 90 days after the date of being published in the Romanian Official Gazette. The provisions of art. 20 para. (6) thesis 3 and art. 23, which entered into force 3 days after its publication. In this case, it concerns the obligation of the presidents of the courts to take measures to draw up an inventory of the files in which the measure of judicial prohibition has been ordered, i.e. the approval of the Methodology of medical and psychological assessment by order of the Minister of Health and the Minister of Labour and Social Solidarity (in consultation with the Romanian College of Psychologists), within 90 days from the date of publication of this law in the Romanian Official Gazette. Also, based on para. (2), the provisions of art. 118 para. (2) and art. 170 para. (3) Civil code, as regulated, respectively amended by this law, shall enter into force on the date to be provided by the special law on personal representative. This is the appointment of a personal representative who has acquired this status under the terms of the special law, where none of the persons referred to at art. 118 para. (1), respectively by art. 170 para. (2) Civil code does not assume the burden of guardianship.
- [8] Art. 147 para. (1) of the Constitution, respectively art. 31 para. (3) of the Law no. 47/1992 on the organization and operation of the Constitutional Court (published in the Romanian Official Gazette, Part I, no. 101 of May 22nd, 1992 and republished in no. 807 from December 3rd, 2010).
- [9] The exception was raised before the Court of Buzău in Case No. 2.244/277/2014, in a case concerning an appeal against a civil judgment granting an application for an injunction.
- [10] For example, under the Civil Code, the provisions of art. 43 para. (1) letter b), art. 44 para. (2), art. 46 para. (1), art. 92 and art. 106 para. (2). I underline the fact that art. 106 para. (2) Civil code provided that “the guardianship of an adult shall take place by means of a court injunction or a curatorship, under the conditions laid down in the present Code”. (s.n.). This text has been the main legal argument for courts to grant applications for injunctions.
- [11] For details of this uneven judicial practice, Murgu, A. B. (2022). *Opinii cu privire la practica instanțelor judecătorești din circumscripția teritorială a Curții de Apel Mureș pentru soluționarea cererilor de punere a persoanei fizice sub interdicție judecătorească după data publicării Deciziei Curții Constituționale nr. 601/2020 în Monitorul Oficial al României*, in the Volume Conferinței studenților și doctoranzilor Universității “Lucian Blaga” from Sibiu. On the merits, the Constitutional Court, declaring unconstitutional the provisions of art. 164 para. (1) Civil code, left without legal conditions the measure

- of placing the natural person under a judicial interdict. At the same time, by failing to rule on the constitutionality of art. 106 para. (2) Civil code, implicitly, further allowed the natural person of age to be placed under a judicial restraining order. From this point of view, the Constitutional Court's Decision No. 601/2020 lacks predictability, which is why it has led to chaotic judicial practice.
- [12] The legal institution of “assistance for the conclusion of legal acts” is a novelty for the Romanian legal system, being introduced by Chapter I (art. 1-6) of Law no. 140/2022.
- [13] Art. 41 para. (11) Civil code (introduced by art. 7 point 1 of Chapter II of the Law no. 140/2022).
- [14] According to art. 164 para. (6) Civil code, minors with limited capacity may also benefit from special guardianship. If the guardianship court considers that the person can be protected by the establishment of a guardianship or by placing him or her under legal guardianship, this measure may be ordered one year before the age of 18 and takes effect from that date.
- [15] Art. 43 letter b) Civil code (amended by art. 7 point 5 of Chapter II of the Law no. 140/2022).
- [16] Art. 168 para. (4) and (5) Civil code (amended by art. 7 point 26 of Chapter II of the Law no. 140/2022).
- [17] Art. 170 Civil code, was amended by art. 7 point 28 of Chapter II of the Law no. 140/2022. The decision ordering legal advice or special guardianship is not subject to appeal, according to art. 483 para. (2) Civil procedure code. As a result, this judgment becomes final if it has not been appealed against or, if appealed against, the appeal has been dismissed or is out of time. [art. 634 para. (1) point 3 and 4, respectively art. 422 para. (1) Civil procedure code].
- [18] Chapter II of the Law no. 140/2022 is devoted to amending or supplementing certain provisions of the Civil Code (art. 7) and Civil procedure code (art. 8).
- [19] Law no. 272/2004 was published in the Romanian Official Gazette, Part I no. 557 from June 23rd, 2004 and republished in no. 159 of March 5th, 2014.
- [20] According to art. 263 para. (5) Civil code, “for the purposes of the legal provisions on the protection of the child, a child means a person who has not attained the age of 18 and has not acquired full legal capacity”. In the same sense are the provisions of art. 4 letter a) of the Law no. 272/2004 (for details on the meaning of “child”, see Bodoaşcă, T. (2014). *Opinii privind semnificația juridică a termenului “copil”*, in Dreptul no. 6/2014, p. 125 and the following).
- [21] Art. 110 Civil code. was amended by art. 7 point 14 of Chapter II of the Law no. 140/2022.
- [22] For details, see Bodoaşcă T. (2008). *Contribuții la studiul cerințelor legale referitoare la vârsta minimă pentru încheierea căsătoriei*, in Curierul Judiciar no. 2/2008 p. 58 and the following.
- [23] Art. 170 para. (1) Civil code was amended by art. 7 point 28 of Chapter II of the Law no. 140/2022.
- [24] Bodoaşcă T. (2021). *Dreptul familiei*, Ediția a V-a, Editura Universul Juridic, București, p. 92.
- [25] Art. 48 para. (1) of the Constitution and art. 271 Civil code.
- [26] See: Florian E. (2021). *Dreptul familiei. Căsătoria. Regimuri matrimoniale*, 7th edition, C. H. Beck Publishing House, Bucharest, p. 46; Hageanu C. C. (2017). *Dreptul familiei și actele de stare civilă*, 2nd edition, Hamangiu Publishing House, p. 37; Nicolescu, C. (2020). *Dreptul familiei*, Solomon Publishing House, Bucharest, p. 90.
- [27] Art. 119 para. (6), respectively art. 167 Civil code.
- [28] Art. 118 para. (2), respectively art. 170 para. (3) [introduced by art. 7 point 19, respectively point 28 of Chapter II of the Law no. 140/2022].
- [29] Prior to amendment by art. 7 point 46 of Chapter II of the Law no. 140/2022, art. 300 Civil code only referred to the annulment of the marriage between the guardian and the minor under his guardianship.
- [30] Para. (2) of art. 300 Civil code was introduced by art. 7 point 46 of Chapter II of the Law no. 140/2022.
- [31] Art. 1.248 para. (1) Civil code.
- [32] For details on how the *nemo auditur propriam turpitudinem operates*, see Deleanu I. & Deleanu S. (2000). *Mică enciclopedie a dreptului. Adagii și locuțiuni latine în dreptul românesc*, Dacia Publishing House, Cluj-Napoca, p. 227-228.
- [33] Art. 92 para. (1) Civil procedure code was amended by art. 8 point 3 of Chapter II of the Law no. 140/2022, in the sense of also referring to persons receiving “special legal advice or guardianship”.
- [34] Art. 211 of the Law no. 71/2011 for enforcing the Law no. 287/2009 regarding the Civil Code (published in the Romanian Official Gazette, Part I, no. 409 from June 10th, 2011) established the meaning of the expressions “mental alienation or mental debility”, in the sense that, by them, “... is meant a mental illness or a mental disability which determines the mental incompetence of the person to act critically and predictively with regard to the social-legal consequences which may result from the exercise of civil rights and obligations”. The provisions of art. 211 of the Law no. 71/2011 have been repealed by art. 27 point 1 of the Law no. 140/2022.
- [35] Art. 280 Civil code and art. 25 of the Law no. 119/1996 on civil status documents (published in the Romanian Official Gazette, Part I, no. 282 of November 11th, 1996 and republished in no. 339 of May 18th, 2012).



- [36] Art. 25 para. (3) point c) of the Law no. 119/1996 was introduced by art. 10 point 1 of the Law no. 140/2022.
- [37] For details on the conditions of opposition to marriage, see C. C. Hageanu, *op. cit.*, p. 45.
- [38] Art. 28 para. (11) of the Law no. 119/1996 was introduced by art. 10 point 2 of the Law no. 140/2022.
- [39] For details on the application of this principle, see Deleanu I. & Deleanu S. *op. cit.*, p. 406-407.
- [40] For details of the common law procedure for dealing with objections to marriage, see: Bodoaşcă, T. *op. cit.*, p. 101-102; Florian, E. *op. cit.*, p. 56-57; Hageanu C. C. *op. cit.*, p. 44-46; Moloman B. D. & Ureche L. – C. (2016). *Noul Cod civil. Cartea a II-a. Despre familie. Art. 258-534. Comentarii, explicații și jurisprudență*, Universul Juridic Publishing House, Bucharest, p. 135-136; Nicolescu C. *op. cit.*, p. 95.
- [41] For example, art. 296 thesis II (the bringing of an action for a declaration of absolute nullity of the marriage by the public prosecutor after the termination or dissolution of the marriage, if it is in the interest of a person receiving legal advice or special guardianship), art. 337 para. (1) [the conclusion or amendment of a marriage contract], art. 370 para. (11) [the promotion of the application for separation of property by the guardian of the person receiving legal aid or special guardianship] and art. 375 para. (3) [non-admission of divorce by consent if one of the spouses is receiving legal advice or special guardianship].
- [42] Art. 107 para (2) Civil code.
- [43] Art. 483 para. (2) Civil procedure code.

# Aspects on the Concept of Civil Partnership

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## Abstract

Even if in Romania the only form of cohabitation that produces legal effects is marriage, over time there have been several attempts at legislation. Therefore, in this paper we analyze the notion of “civil partnership” in the light of the doctrine and the legislative drafts to date. Also, we cannot ignore the extent of the phenomenon in other countries, which is why we will highlight some examples from abroad.

*Keywords: family law, registered partnership, marriage, family name.*

## Notion

In legal terms, partnerships are a response to the need for regulation of paraconjugal unions, due to their frequency [1]. It should be noted from the outset that marriage is the only form of organizing family life in international instruments of vital importance for mankind [2]. We cannot also ignore the phenomenon of *de facto* couples (irrespective of sex), which in recent years has been growing in importance and has been interpreted by the European Court of Human Rights in an evolving way, in the sense that it has been assimilated into the broad concept of “family life”. [3].

With regard to the name of this form of organization of life together by two natural persons, it should be noted that there is no uniform name valid throughout the world. Thus, as it is a relatively new institution [4], we have so far found names such as: civil partnership, civil union, registered partnership, civil solidarity pact, legal cohabitation [5]. In this study we will use the name “civil partnership” because the Romanian legislator on art. 277 para. (3) Civil code uses such denomination.

In the current legislative context in our country, there is no form of protection for same-sex unions. [6] (art. 277 Civil code). Moreover, unlike in other countries, heterosexual couples also have no protection other than marriage [art. 259 para. (1) Civil code].

Over time there have been several legislative initiatives on civil partnership (in the draft laws the term “civil partnership” is used, all of them being entitled “Civil Partnership Act”), starting in 2013 [7]. All the bills were rejected one by one. In the following we will make an “X-ray” of the notion of “civil partnership” both in our country (from the perspective of doctrine and legislative projects) and outside Romania in order to have a broader picture of it. We will also consider a number of non-patrimonial effects that the conclusion of a partnership could have if it were embraced by the Romanian legislator. Since in many countries civil partnership is regulated in a similar way to marriage, it is important to bring to light aspects related to the institution of marriage.

In a first doctrinal view [8], partnerships are *a compromise solution, in order to give legal recognition to couples who lead a family life, but who do not have access to the sanctuary of marriage because of personal life choices or barriers imposed by morals and social mentalities, assimilated in legal terms* [9]. In another opinion, registered partnership designates a form of

*cohabitation outside marriage, which, in order to be valid and produce legal effects, requires the fulfilment of certain formalities, in particular registration in a public register [10].*

With regard to the definitions given to the civil partnership in the 6 legislative projects (in all projects the partnership was dedicated to both heterosexual and homosexual couples) that have been submitted so far, we show how the initiators understood to capture the essence of this institution. In the first definition [11] we find the qualification of the institution as a *contract concluded, without any kind of discrimination, between two people who decide to live together on the basis of mutual affection, respect and support and equal rights.*

In the 2018 legislative draft, civil partnership was defined as *a relationship of civil communion between two adults, manifested by an agreement concluded in accordance with the provisions of this law with the aim of civilly organizing their life together.*

In the vision of the first legislative project of 2019, the civil partnership *represents the association between two natural persons for the purpose of organizing and protecting their joint life as a family life*, and the second draft law of 2019 tried to regulate the civil partnership as *the freely consented union between two people, concluded under the terms of the law.*

For the analysis of this new institution to be complete, we will turn our attention to its qualification in other legal systems.

Thus, currently, in France, at art. 515-1 from the Civil Code we find the Civil Solidarity Pact (hereinafter, PACS) defined as *the contract concluded between two adults, of different sex or of the same sex, to organize their life together.* It is important to note that the PACS is not a simple contract and at the same time it is not completely overlapped with the institution of marriage [12]. We remind you that at the moment in France there are three forms of conjugality defined by law, namely, marriage, PACS and cohabitation. As for the latter (cohabitation), unlike the other two (marriage and PACS), it only enjoys a legal definition, without specifying its effects, thus remaining only a state of fact [13]. With regard to the status of the person, the partners who contract a PACS still remain at the status of a single person, and the conditions for concluding and dissolving the civil solidarity pact are more flexible than those of marriage [14].

In Italy, following the settlement of the case *Oliari and others against Italy* [15] and the prosecution of the Italian state by the Strasbourg Court [16], Law no. 76/2016 was adopted on the regulation of civil unions between persons of the same sex and the discipline of cohabitation [17] in which the civil union between persons of the same sex is established as *a specific social formation under articles 2 and 3 of the Constitution and regulates de facto cohabitation* [18].

The Italian legislator generally avoided talking about the family, replacing the term with other phrases. For example, regarding the obligation to contribute, we are not talking about *family needs* (art. 143 of the Italian Civil code), but about *joint needs* (paragraph 11 of the L. 76/2016), not about the *family home* (art. 144 Italian civil code), but about *joint residence* (paragraph 12 of the L. 76/2016) [19]. However, we also find an exception, in paragraph 12 (L. 76/2016) in the content of which it is specified that also in civil unions *the parties agree on the direction of family life.* The fluctuating terminology does not detract from the substance of things, because even the civil union constitutes a family [20]. Therefore, marriage is no longer the only way to formalize a relationship, and same-sex partnerships represent a new family model [21].

Regarding the “registered partnership” in Hungary (in this country there are three ways in which people can organize their life together, namely: marriage - reserved only for people of different sex, registered partnership - reserved only for people of the same sex, civil partnership - reserved for both homosexual and heterosexual couples, the latter representing the registration of simple cohabitation without having effects on the status of the people who are in this situation [22]), the Law No. XXIX/2009 was adopted [23], within which, at art. 1 paragraph 1 we meet the conditions under which a registered partnership can come into existence, namely, the future

partners must be of the same sex, be 18 years old, appear before the registrar and declare in person that they wish to establish a registered partnership between them [24].

At the level of the European Union, we remind you that within the Regulation (EU) 2016/1104 at art. 3 para. (1), meet the definition given to the civil partnership where it is called *registered partnership and involves a common life regime between two people, provided by law, whose registration is mandatory under the respective law and which fulfills the legal formalities imposed by the respective law for its establishment*. This definition is used exclusively for the purpose of using the Regulation. In this context, we specify the fact that Romania does not participate in the consolidated cooperation in this matter [25].

Following the foray made into the institution of the registered partnership, we believe that it could be defined as the contract between two people concluded under the terms of the law for the purpose of organizing life together.

## Conclusions

So, as we have seen, civil partnership is a middle way between regulating and non-regulating family relationships. It is neither a proper marriage nor a cohabitation state (the latter, in our country's current regulation, is seen as a de facto cohabitation without legal effects).

Finally, it should be noted that in the European Union only six countries do not allow the conclusion of (registered) civil partnerships, including Romania (the others are Bulgaria, Latvia, Lithuania, Poland, Slovakia).

## REFERENCES

- [1] Jugustru C. (2015). *Marriage contracting in private international law: Developments and trends*. *Romanian Review of Private Law*, 2015(5), p. 107.
- [2] See: art. 16 para. 1 from Declarația universală a drepturilor omului [adopted and proclaimed by the UN General Assembly in Resolution No. 217 A (III) of December 10<sup>th</sup>, 1948]; art. 23 para. 2 of the International Covenant on Civil and Political Rights [adopted by the UN General Assembly in Resolution No. 2200 A (XXI) 19 of December 16<sup>th</sup>, 1966. Romania signed this Pact on June 27<sup>th</sup>, 1968 and ratified it by Decree No. 212/1974 (published in the Official Gazette no. 146 of November 20<sup>th</sup>, 1974)]; para. 1 of the Preamble to the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages [adopted by the UN General Assembly in New York on December 10<sup>th</sup>, 1962. Romania ratified this Convention by Law no. 116/1992 (published in the Official Gazette no. 330 of December 24<sup>th</sup>, 1992)]. Bodoaşcă T. (2021). *Opinions regarding concubinage and marriage*. in Romanian law, in *Family Law Magazine*, 2/2021, p. 64.
- [3] Nicolescu, C. (2018). *Registered civil partnerships: a normative necessity*. *Romanian Review of Private Law*, 2018(3), p. 344.
- [4] The possibility of entering into a civil partnership was first introduced in Denmark and, as a result, Danish law has become the model in this area, followed by Greenland, Norway, Sweden, the Netherlands, France, Hungary. See Broberg M. P. (1996). *The registered partnership for same-sex couples in Denmark*. *Child and Family Law Quarterly*, 8(2), 149.
- [5] Nicolescu, C., *op. cit.*, p. 341.
- [6] Art. 277 establishes, as a matter of principle, a ban on same-sex marriage. Furthermore, under para. (3) of the same article, neither “civil partnerships between persons of the opposite sex or of the same sex concluded or contracted abroad either by Romanian citizens or by foreign citizens are recognized in Romania”. See Hageanu C. (2018). *Article 277 of the Romanian Civil Code, Where to*. *Romanian Review of Private Law*, 2018(3), p. 149.
- [7] Pl-x no. 670/2013, Pl-x no. 340/2015, Pl-x no. 498/2016, Pl-x no. 662/2018, Pl-x no. 152/2019, Pl-x no. 153/2019. By way of information, it should be noted that in 2010 there was a legislative initiative (registered in the Senate: L98/2011) by MP Arion Viorel, but it was withdrawn by the initiator before the debate in the Senate took place. The draft legislation can be found at: <http://www.cdep.ro/pls/dic/cauta?sir=>, accessed on 05.11.2022.
- [8] In common language, marriage is defined as a legal, freely consented union between a man and a woman for the foundation of a family or as living together between spouses, conjugal life; marriage. See, *DEX*, p. 176.

- [9] Under the terms of art. 259 Civil Code, marriage represents *the freely consented union between a man and a woman, concluded under the terms of the law*. In Romanian doctrine, marriage is defined either as *the legal act concluded in compliance with the law between a man and a woman, in order to establish a family* (Bodoaşcă T. (2021). *Dreptul familiei*. Fifth revised and added edition, Universul Juridic Publishing House, Bucharest, p. 35-36), or *the state provided by law and attracted by the legal act concluded between a man and a woman (future spouses) in the purpose of starting a family* (Lupaşcu D. & Crăciunescu C. M. (2021). *Dreptul familiei*, Fourth revised and added edition, Universul Juridic Publishing House, Bucharest, p. 74-75). Likewise, other authors appreciate marriage as *a freely consented alliance between two people, concluded according to the legal provisions, in principle, for life, with the aim of founding a family and regulated by the mandatory norms of the law* (Chelaru, I. (2003). *Căsătoria și divorțul, aspecte juridice civile, religioase și de drept comparat*, A92 Acteon Publishing House, Iași, p. 49-51).
- [10] Avram M. (2018). *Property Regimes in the Case of Couples outside Marriage*. Romanian Review of Private Law, 2018(3), 45.
- [11] Nicolescu, C., *op. cit.*, p. 341.
- [12] This bill has been submitted three times, in 2013, 2015 and 2016, and was rejected each time by Parliament. Moreover, according to a doctrinal opinion “the Parliament’s solution is not surprising, given the fact that the legislative proposal raises numerous and important legal issues”. See Renate Motica A., & Muntean A. (2018). *The Civil Solidarity Pacts, Need or Pretext*. Romanian Review of Private Law, 2018(3), 257-269. p. 262.
- [13] Jugastru, C. (2015) *op.cit.*, p. 107.
- [14] Bernard, S.; Oudaoud, A. (2013). *La singularité du Pacs*, p.1, available online on the website: <https://halshs.archives-ouvertes.fr/halshs-00850246>, accessed on 7.10.2022.
- [15] Borrillo D. (2001). *The “Pacte Civil de Solidarité” in France: Midway Between Marriage and Cohabitation*. Wintemute R.; Andenas M. *Legal Recognition of Same-Sex Partnerships. A Study of National, European and International Law*, Hart Publishing, 2001, p. 25. Available online on the website: <https://hal.archives-ouvertes.fr/hal-01236230/document>, accessed on 27.10.2022.
- [16] The CEDO decision, The judgment of the Fourth Chamber in Oliari and Others v Italy of July 21<sup>st</sup>, 2015 is available at: <http://ier.gov.ro/wp-content/uploads/cedo/Oliari-%C8%99i-aI%C8%9Bii-%C3%AEmpotriva-Italiei.pdf>, (accessed on 27.10.2022). For Romania, we believe that an important moment that will influence the destiny of this institution at the national level will be the settlement of the *Buhuceanu, Ciobotaru and 12 other* claims against Romania. In this litigation, the plaintiffs are same-sex couples dissatisfied with the fact that current Romanian legislation does not allow them to marry or enter into another type of civil union, thus resulting in the discrimination they are subjected to on the grounds of their sexual orientation, see: <https://rm.coe.int/third-party-intervention-before-the-european-court-of-human-rights-in-/16809f9b9e>, accessed on 27.10.2022.
- [17] Jugastru, C. (2022). *Rezonanțe ale jurisprudenței europene în dreptul internațional privat român*. Volumul *Actualitatea și perspectivele interdependențelor dreptului Uniunii Europene cu dreptul intern al statelor membre*, de Predescu, O.; Fuerea, A.; Andrei, D.- B. (coordinators). Universul Juridic Publishing House, Bucharest, p. 115.
- [18] This law entered into force on March 5<sup>th</sup>, 2016. The full text of the deed can be found at: [www.gazzettaufficiale.it/eli/id/2016/05/21/16G00082/sg](http://www.gazzettaufficiale.it/eli/id/2016/05/21/16G00082/sg), accessed on 27.10.2022.
- [19] See, sentenza n. 138/2010, Corte costituzionale, disponibilă la adresa web: <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2010&numero=138>, accessed on 27.10.2022.
- [20] Ferrando G. (2016). *Le unioni civili. Prime impressioni sulla riforma*, Rivista Di Studi Giuridici Sull’orientamento Sessuale E L’identità Di Genere, 2/2016, p. 17.
- [21] *Idem*.
- [22] Cipriani N. (2017). *Unioni Civili: Same-Sex Partnerships Law in Italy*, Italian Law Journal, vol. 3, no. 2, 2017, p. 348.
- [23] Háttér Support Society for LGBT People – Hungarian LGBT Alliance. (2011). *Registered Partnership. Guide for Gay and Lesbian Couples*, p. 2-3, available online on the website: [https://en.hatter.hu/sites/default/files/dokumentum/kiadvany/guide-regpartnership-2011jul\\_1.pdf](https://en.hatter.hu/sites/default/files/dokumentum/kiadvany/guide-regpartnership-2011jul_1.pdf), accessed on 28.10.2022.
- [24] Act. No. XXIX/2009 on Registered Partnership and Related Legislation and on the Amendments of Other Statutes to Facilitate the Proof of Cohabitation.
- [25] For the version of the Law no. XXIX/2009 in English, see, Fuglinszky, Á. (2017). *Hungarian Law and Practice of Civil Partnerships with Special Regard to Same-Sex Couples*, p. 312-313, Cuadernos De Derecho Transnacional, no. 2/2017, available on the website: <https://doi.org/10.20318/cdt.2017.3874>, accessed on 28.10.2022.
- [26] Nicolescu C., *op. cit.*, p. 348.

# Aspects on the Non-Patrimonial Effects of Civil Partnership

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## **Abstract**

Without being exhaustive, in this paper we analyze some examples of the non-patrimonial effects that may occur following the conclusion of a civil partnership by two persons. We will consider name, support, fidelity, residence and freedom of movement.

*Keywords: family law, registered partnership, marriage, family name.*

## **Non-Patrimonial Effects**

Even if *the effects of the registered civil partnership are less visible in personal relationships than in patrimonial terms* [1] cohabitation duties, fidelity, assistance (or contribution to household expenses), some responsibility for debts incurred for the needs of cohabitation, name, protection of the family home or a right to maintenance in the event of dissolution of the partnership are provided for by most legislation [2]. Hereafter, we will bring to light several aspects that relate exclusively to the non-patrimonial effects of the civil partnership.

## **Name**

Seen through the lens of legislative projects, this aspect did not have an attempt at unitary regulation. If in the first legislative drafts the future partners were allowed to choose the most suitable option for them, in the 2019 law proposals the only possibility was for them to keep the name they had before the end of the civil partnership. In the legislative project from 2018, art. 24 deals with the situation of the family name in the event of termination of the partnership. The solution established by this article was in the sense that the parties had the possibility, on the one hand, for each of the partners to keep the name they had at the time of termination, and on the other hand, they could return to the name they had before.

For spouses, the Romanian legislator imposed by art. 282 the limits in which they can exercise their right to the name, namely, the future spouses have the possibility to agree *to keep their maiden name, to take the name of any of them or their combined names*" (thesis I). *"Also, one spouse can keep their maiden name, and the other can bear their combined names"* (thesis II). For the situation where the spouses have agreed to bear, as a common name, their combined names, they will also decide on the order of reunification and if the names of the spouses are combined differently, they have, in reality, different names (for example, their names are not common, if one is called "Constantinescu-Ionescu" and the other "Ionescu-Constantinescu") [3].

We mention the fact that in comparative law we find both provisions that leave it up to the future partners to choose the common name (for example, in Italy, partners in a civil union can indicate a common surname chosen from among their surnames, and the person who has taken over the surname of the other may choose to be preceded or followed by his own surname [4]) as well as states that do not offer this possibility [for example, in Hungary in the case of

marriage, taking the spouse's surname does not change the birth name, but gives them a new name (the so-called “married name”), instead, the partners registered only have the possibility to change the surname they had at birth (applications to change the birth name must be submitted in person to the registrar at the place of residence, by filling in a form received from the registrar and for Hungarian citizens living abroad, the application must be submitted to a consulate)] [5] In the future, in the case of the regulation of this institution, we will have the opportunity to see what will be the version embraced by the Romanian legislator.

### ***Support***

The assistance that the future partners must give each other is found in all the legislative projects at the level of principle or even in the definition. We distinguish between moral support and material support. In the hereby study we will focus on a series of aspects regarding the moral dimension of the notion.

Along with this duty, in most legislative initiatives we also find the duty of respect, affection and equal rights.

As far as marital relations are concerned, spouses owe each other moral support (art. 309 para. 1 Civil code). From the perspective of this duty, relations between spouses must be dominated by honesty, understanding and mutual support in all moments of life, regardless of whether they are good or bad [6].

In Hungarian law, in law XXIX/2009 there is a provision according to which the rules on marriage apply to registered partnerships, unless the contrary is expressly stated in the law on partnerships [7]. So, like spouses, partners also have a duty to support each other [8]. We also find this duty in other states, for example: France [9], Switzerland [10], Italia [11], Cyprus, Czech Republic.

### ***Truthfulness***

The obligation of truthfulness was not mentioned in the draft legislation. In the case of marriage, in the Civil Code, Art. 309 para. (1) we find this duty between spouses together with that of respect and moral support. The opinion has been expressed that the Romanian legislator uses the term “duty” instead of “obligation” because the moral nature of the rule of law is evoked.) [12].

Moreover, even in Italy [13] this obligation is not included in Law no. 76/2016. However, we find the doctrinal view that *the duty of fidelity exists in same-sex partnerships because it must be thought of as a form of solidarity, respect and dignity* [14]. Also, in France, the stipulation of such a clause in a PACS contract entails its absolute nullity [15].

### ***Dwelling***

By dwelling we mean the common home or residence where the partners live together. In the first legislative drafts (i.e. in no. 670/2013, no. 340/2015, no. 498/2016) these definitions were found at art. 2 letter c) and d).

A relevant text from the point of view of housing is the one on the autonomy of the partners' will regarding *all decisions in relation to their partnership* [we find this text in PL no. 153/2019- art. 5 para. (1), 152/2019- art. 8 para. (2), 2018- art. 36 para. (1)], this includes the option of whether or not to have shared accommodation.

We recall that in the current legislation on family housing, according to Civil code (art. 309 para (2) thesis I) *spouses have a duty to live together*. There is also an exception (thesis II of the same article), when *for good cause the spouses may decide to live separately* (thesis II).

On the cohabitation of partners in a PACS, in the French Civil code at art. 515-4, (amended by the Law no. 2014-344 of March 17<sup>th</sup>, 2014 art. 50), we find the provision that, *the partners undertake to live together*.

As a principle, we believe that as long as two people want to enter into a civil partnership, it is only natural that they should actually live together.

### ***Freedom of Movement***

This is particularly relevant because of the increasing cross-border life of couples moving from one country to another. In Directive 2004/38/EC [16] we find the definitions of the “family member”, among which also of *the partner with whom the Union citizen has contracted a registered partnership under the law of a Member State, if, under the law of the host Member State, registered partnerships are considered equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State*.

In all draft legislation, the right to freedom of movement is recognized for partners, who are often treated in the same way as spouses in this respect. For example, in legislative initiative No. 662/2018 art. 62 para. (2) it provided the fact that *in performing the fundamental freedom of movement within the European Union, a civil partnership concluded between nationals of Member States of the European Union in accordance with the provisions of this Act shall be equivalent to a marriage relationship*.

In Switzerland's 2011 report, couples forming unions (other than marriage) under Art. 10 para. (1) of the Constitution enjoyed, inter alia, freedom of movement as a fundamental right [17].

### **REFERENCES**

- [1] Jugastru C. (2015), *Marriage contracting in private international law: Developments and trends*. Romanian Review of Private Law, 2015(5), p. 108.
- [2] Revillard M. (2020). *Les régimes patrimoniaux des couples en droit international privé, européen et comparé*. Defrénois (Collection Expertise Notariale), Paris, p. 172.
- [3] Bodoaşcă T. (2021). *Dreptul familiei*. Fifth revised and added edition, Universul Juridic Publishing House, Bucharest, p. 111.
- [4] Bazzo E. (2016). *Sistemul italian al regimurilor matrimoniale: o comparație între regulamentele UE și noua lege privind parteneriatele civile și parteneriatele înregistrate*. Buletinul Notarilor Publici, 2016(5), Monitorul Oficial Publishing House, p. 70.
- [5] Háttér Support Society for LGBT – Hungarian LGBT Alliance. (2011). *Registered Partnership. Guide for Gay and Lesbian Couples*, p. 6, available online on the website: [https://en.hatter.hu/sites/default/files/dokumentum/kiadvany/guide-regpartnership-2011jul\\_1.pdf](https://en.hatter.hu/sites/default/files/dokumentum/kiadvany/guide-regpartnership-2011jul_1.pdf), accessed on 28.10.2022.
- [6] Bodoaşcă T. (2021). *Dreptul familiei, op. cit.*, p 111.
- [7] Fuglinszky Á. (2017). *Hungarian Law and Practice of Civil Partnerships with Special Regard to Same-Sex Couples*, C.D.T., no. 2/2017, p. 297.
- [8] Háttér Support Society for LGBT People, *op. cit.*, p. 6.
- [9] Jugastru C. (2015), *op. cit.*, p. 108.
- [10] Tarchila P. (2017). *The institution of the civil partnership*. AGORA International Journal of Juridical Sciences, 2017(1), p. 28.
- [11] Ferrari I. (2017). *Family Relationships in Italy after the 2016 Reform: The New Provisions on Civil Unions and Cohabitation*. International Survey of Family Law, p. 183.
- [12] Florian E. (2020). *About loyalty, as a marital duty*. Family Law Magazine, 2020(2), p. 106.
- [13] Giacomini M.; Vivirito Pellegrino M. (2022). *Recognition of a status acquired abroad: Italy*. Cuadernos de Derecho Transnacional (Marzo 2022), Vol. 14, N° 1, p. 1050; Bazzo, E., *op. cit.*, p. 71.
- [14] Cipriani N. (2017). *Unioni Civili: Same-Sex Partnerships Law in Italy*, Italian Law Journal, vol. 3, no. 2, 2017, p. 353.
- [15] Jugastru C. (2015), *op. cit.*, p. 108.



- [16] Transposed in Romania by GEO no. 102 of July 14<sup>th</sup>, 2005, on the free movement on the territory of Romania of citizens of Member States of the European Union, of the European Economic Area and of the Swiss Confederation, republished in the Official Gazette no. 774 of November 2<sup>nd</sup>, 2011.
- [17] Peters A. (2011). *Switzerland*. American University Journal of Gender, Social Policy & the Law, 19(1), p. 310.

# The Categories of Intellectual Creations That Are Not Subject to the Legal Regime Dedicated to Works According to Law no. 8/1996 in Romania

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## Abstract

In this article I analyzed the intellectual creations that are excluded from the juridical protection established by Law no. 8/1996. This does not mean that they are not protected, because they are by another laws, and in his way, the aim was to prevent double legal protection, which would have been unnecessary and would have generated parallelisms.

The central idea of this article is based on the intellectual creations mention above which are analyzed and interpreted by their usual meaning in Romanian language and are proposed improvements regarding their meanings in law system.

*Keywords: juridical protection, ideas, official texts, intellectual creations.*

## Preliminary Specifications

According to article 9 of Law nr. 8/1996 several intellectual creations are excluded from the legal protection established for works.

The exclusion of these intellectual creations from the protection established for works should not be understood in the sense that they would not be legally protected [1]. On the contrary, in some cases, legal protection is conferred on them by means of other regulations. For example, “inventions” are legally protected by Law no. 64/1991, distinctive signs such as the flag or military insignia are protected by means of the regulations contained in the Penal Code [2].

Specifically, the aim was to prevent double legal protection, which would have been unnecessary and would have generated parallels (namely, the same regulations would have been established in two or more articles, or paragraphs, in different normative acts or in the same act) [3].

According to the specialized doctrine [4], one of the reasons underlying this legislative solution is society's need to know and use certain intellectual creations. For example: official texts of a political, legislative nature [5], administrative and judicial, although it involves a creative activity it addresses the population and does not need to restrict [6] in any way the dissemination and possibility of their reproduction. We mention that their translations also fall into the same category [7].

Also, art. 2 of the Berne Convention [8] regulates several categories of intellectual creations that can be exempted from the legal protection established for works [9]. For example, we mention that art. 2 para. 4 regulates that the method of protection the "official legislative, administrative or judicial texts as well as the official translations of these texts" are left to the discretion of the EU countries [10].

## **The Ideas, Theories, Concepts, Scientific Discoveries, Procedures, Operating Methods, Mathematical Concepts, and Inventions Contained in a Work**

*Art. 9 lit. a) from Law no. 8/1996* regulates that they cannot benefit from the legal protection of this law ideas, theories, concepts, scientific discoveries, procedures, operating methods or mathematical concepts as such and inventions, contained in a work, whatever the way of retrieval, writing, explanation, or expression it has the work.

From the beginning I want to clarify that the current meaning in the modern Romanian language of the term "idea" covers, generically, several forms including knowledge, logic, notion, concept. In particular, the idea is an original elaboration of thought in the literary, artistic, or scientific field [11].

Given the above, we ask ourselves the question: what is the idea after all?

In my opinion, the idea is the source of inspiration of any field, eternally free, because to confine it would be to confine creation, that is, humanity itself.

Law no. 8/1996 states that ideas do not enjoy protection from the perspective of copyright, but that does not mean that they cannot be legally protected by other means [12].

In this regard, we mention that Law no. 206/2004 regarding good conduct in scientific research, technological development, and innovation [13] states that appropriating someone else's ideas constitutes plagiarism [art. 2<sup>1</sup> alin. 2 lit. a)] [14], although it is a long and arduous way to demonstrate this fact, precisely because of the slippery nature of the term idea.

Depending on the meaning we assign to the word "idea", we have at least two possible normative solutions.

*Firstly*, we notice the categories of ideas that are established throughout the world, and whose paternity is unknown, so they belong to humanity. In this case, we agree with the regulation in art. 9 lit. a) from Law no. 8/1996, more precisely, that they cannot benefit from the legal protection of copyright.

*Secondly*, in the case of the ideas, concepts and theories that are an integral part of a work, which is a condition for externalization itself in a certain form of intellectual creation, we propose to be legally protected in the same way as the respective work is [15].

*Finally*, we consider that the provisions contained in art. 9 lit. a) from Law no. 8/1996 have a tautological construction [16]. In fact, "concepts" are also found in other fields, not only in the field of mathematics [17]. In this sense, we note that an explicit as well as an implicit nomination is necessary to be introduced in the law by the legislator.

## **Official Texts of a Political, Legislative, Administrative, Judicial Nature and Their Official Translations**

Analyzing the regulations under *art. 9 lit. b) from Law no. 8/1996* results that official texts of a political, legislative, administrative, judicial nature and their official translations cannot benefit from the legal protection conferred by copyright because their destination is public.

For example, legislative texts are mandatory [18] and must be respected by all recipients - citizens and the state [19]. Also, their free use by any person is necessary [20].

In this sense, I mention the existence of the principle of legality, which is the essence of law [22], because it requires exact, strict, and indispensable compliance by all legal subjects of all normative-legal acts in force on the territory of a state [23].

However, the Berne Convention does not exclude possible protection, which, however, is left to the discretion of the member countries [24]. Nevertheless, it offers the option to exclude, totally or partially, political speeches as well as those uttered in judicial debates from protection [25].

I specify that, for the incidence of the provisions of art. 9 lit. b), according to the specialized doctrine [26] it is necessary that the texts of a political, legislative, administrative, and judicial nature to have an "official" character. In this sense, we note that the current meaning in the modern Romanian language of the term "official" it is something that emanates from a public authority or institution and complies with the laws in force [27].

### **The Official Symbols of the State, Public Authorities, and Organizations**

After analyzing the regulations contained in *art. 9 lit. c) from Law no. 8/1996* results that the official symbols of the state, public authorities, and organizations, such as: the coat of arms, the seal, the flag, the emblem, the coat of arms, the badge, the badge, and the medal cannot benefit from the legal protection of this law.

As noted in the specialized doctrine [28], the evoked text includes some particular emphasis.

*Firstly*, art. 9 lit. c) does not refer to the official symbols of public institutions, which are regulated by the Constitution [29].

*Secondly*, the National Day and the National Anthem are missing from the enumeration, which are also national symbols, according to art. 12 of the Constitution.

*Thirdly*, the exclusion of official symbols from the legal protection provided by Law no. 8/1996 does not mean that they are not protected, only that they are subject to the rules of common law [30].

### **The Means of Payment**

The means of payment, according to *art. 9 lit. d) from Law no. 8/1996* does not benefit from the legal protection provided by this law. These means of payment, however, enjoy a special protection provided by civil and financial legislation.

According to the current meaning in the modern Romanian language, the term "payment" represents an amount of money, a system, a way by which it is paid [31], and the main means of payment, specifically the material possibilities available to someone for a certain purpose [32] they can be national currencies, currency, foreign currency (cheque, bill of exchange, promissory note, card) and international currencies.

### **News and Press Information**

News and press information [33], provided by *art. 9 lit. e) from Law no. 8/1996* are excluded from the legal protection offered by this law, due to their public purpose.

According to the current meaning in the modern Romanian language, the term "press" represents all daily and periodical publications (which can also be online) such as newspapers, magazines, etc., through which public information is provided [34].

However, news/press information may enjoy protection through unfair competition actions [35].

### **Simple Facts and Data**

Simple facts and data regulated by *art. 9 lit. f) from Law no. 8/1996* do not enjoy the legal protection provided by this law, but they are subject to common law or special legal protection [36].

## Conclusions

Regarding this legislative option, to exclude from legal protection established by Law no. 8/1996 certain intellectual creations, as also mentioned in the doctrine, I appreciate that it is a form of regulation that avoided parallelism. It would have generated a double legal protection that would not have been beneficial for any of the intellectual creations analyzed in this article.

The proposals in this article regarding the avoidance of tautological constructions are beneficial for future regulations. I mention that there are many improvements proposed in this regard, precisely because the legislator did not provide, as, for example, exists in the Indian system [37], at the beginning of Law no. 8/1996 a definition of terms open to interpretation. If such a definition of the terms had been offered there would no longer be these double meanings that we can attribute to the terms, which lead to at least two possible normative solutions, as for example in the case of the term “idea”.

In conclusion, I propose by *law ferenda* to amend, in the field of intellectual property Law no. 8/1996 which should include at the beginning of each chapter the definition of terms susceptible of interpretation, according to the Indian legislative model.

## REFERENCES

- [1] See T. Bodoaşcă, L. I. Tarnu (2015), Intellectual property law (*Dreptul proprietății intelectuale*), The third edition, revised and added, Publishing House Universul Juridic, Bucharest, p. 18.
- [2] Law no. 286/2009 regarding Criminal Code (published in Official Gazette of Romania, Part I, no. 510 from 24 July 2009, in force from 1 February 2014, being modified and completed afterwards). See art. 442 Criminal Code.
- [3] See art. 16 from Law no. 24/2000 regarding the rules of legislative technique for the elaboration of normative acts published in Official Gazette of Romania, Part I, no. 139 from 31 March 2000, republished in Official Monitor of Romania, Part I, no. 260 from 21 April 2010).
- [4] See V. Roş (2016), Intellectual property law, Volume I, Copyright, related rights and sui-generis rights (*Dreptul proprietății intelectuale, Vol. I, Dreptul de autor, drepturile conexe și drepturile sui-generis*), Publishing House C. H. Beck, Bucharest, p. 183.
- [5] Legislative texts, such as Law no. 8/1996 contains information that is addressed to the population and must be known by all citizens, therefore dissemination and reproduction must be free. In this sense, we also mention the principal *nemo consetur legem ignorare* (no one can be considered ignorant of the law, that he do not know the law), since the purpose of the laws is to inform the population about the rights and freedoms offered by a democratic state.
- [6] We reiterate the importance of recognizing the possibility of each person to reach their maximum potential through free access to all the opportunities that arise during their development. For more details see
- [7] O. V. Nagy (2022), *Equal opportunities (Egalitatea de șanse)*, in JOURNAL OF ROMANIAN LITERARY STUDIES is submitted for indexation in the ERIH-PLUS European Reference Index for the Humanities and Social Sciences, Editura Arhipeleag XXI Press, Tg. Mureş, p. 672.
- [8] In this case we can refer to the translations of Decisions taken at the level of the European Union. This can be defined as a European-level structure that has managed to maintain cooperation between 28 European states at an economic and political level. For details in this regard see <https://europa.eu>. *Brevitatis causa*, to avoid repetitions and to express easily, further, in the content of the article, references to the European Union will be made, as a rule, by using the abbreviation EU.
- [9] Berne Convention of September 9, 1886 for the protection of literary and artistic works, completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, revised at Rome on June 2, 1928, revised at Brussels on 26 June 1948, revised at Stockholm on 14 July 1967 and at Paris on 24 July 1971, amended on September 28, 1979, published in the Official Gazette of Romania, Part I, no. 156 of April 17, 1998.
- [10] See T. Bodoaşcă (2016), *Discussions regarding the concept of work (of intellectual creation) and the substantive conditions for legal protection (Discuții privind conceptul de operă (de creație intelectuală) și condițiile de fond pentru protecția juridică)*, in “Law” (Dreptul) Magazine, no. 5/2016, p. 101.
- [11] See V. Roş, *op. cit.*, p. 183.

- [12] See the Explanatory Dictionary of the Romanian language - *Dex (Dicționarul explicativ al limbii Române –Dex)*, (2016), Appeared under the auspices of the Romanian Academy, the Institute of Linguistics “Iorgu Iordan-Al. Rosetti”, Revised and Added Edition, Publishing House Universul Enciclopedic, Bucharest, p. 531.
- [13] See V. Roș, *op. cit.*, p. 185-186.
- [14] Law no. 206/2004 regarding good conduct in scientific research, technological development and innovation was published in Monitor Gazette of Romania, Part I, no. 505 from 04 June 2004, being modified and supplemented later.
- [15] For details on deviations from the norms of good conduct in scientific activity to see I. C. Șulea (2017), *General aspects regarding the situations when the rules of good conduct in scientific research can become offences, (Aspecte generale privind situațiile în care normele de bună conduită în activitatea științifică constituie infracțiuni)*, in Academia Forțelor Terestre “Nicolae Bălcescu” Magazine, volume XXII, no. 3 (87), Sibiu, p. 175-176.
- [16] See T. Bodoașcă, *Discussions regarding the concept of opera (Discuții privind conceptul de opera)*, *cit. supra.*, p.p. 104-105; V. Roș, *op. cit.*, p. 187.
- [17] See *Dex*, p. 1219.
- [18] See T. Bodoașcă, *Discussions regarding the concept of opera (Discuții privind conceptul de opera)*, *cit. supra.*, p. 103.
- [19] See art. 1 alin. (5) from The Romanian Constitution (amended and supplemented by the Law on the revision of the Constitution of Romania no. 429/2003, published in the Official Gazette of Romania, Part I, no. 758 of October 29, 2003).
- [20] See C. Ionescu (1997), The fundamental principles of constitutional democracy (*Principiile fundamentale ale democrației constituționale*), Publishing House Lumina Lex, Bucharest, p. 206. For an opinion on the relationship between the state and the citizen from the perspective of the elaboration and application of the norms of social coexistence, see A.V. Fărcaș, I.R. Toncean Luieran (2011), *Constitutional law and political institutions. Seminar notebook (Drept constituțional și instituții politice. Caiet de seminar)* Publishing House Editura Universul Juridic, Bucharest, pp.26-35.
- [21] See T. Bodoașcă, L. I. Tarnu, *op. cit.*, p. 19.
- [22] For details on the principle of legality see: A. V. Fărcaș (2011), *General theory of law (Teoria generală a dreptului)*, Publishing House Universul Juridic, Bucharest, p. 198-199; A. V. Fărcaș (2012), *Elements of law for economists (Elemente de drept pentru economiști)*, Publishing House Risoprint, Cluj-Napoca, p. 31-33; A. V. Fărcaș (2011), The principles of Romanian state of law (*Principiile statului de drept în România*), Publishing House Universul Juridic, Bucharest, p. 43
- [23] See I. Muraru (1997), *Constitutional law and political institutions (Drept constituțional și instituții politice)*, Volume I, Publishing House Actami, Bucharest, p. 461.
- [24] See A. V. Fărcaș, *General theory of law (Teoria generală a dreptului)*, *cit. supra.*, p. 200.
- [25] See art. 2 paragr. 4 from the Berne Convention.
- [26] See art. 2 bis. paragr. 1 from the Berna Convention.
- [27] See: V. Roș, *op. cit.*, p. 184; T. Bodoașcă, *Discussions regarding the concept of opera (Discuții privind conceptul de operă)*, *cit. supra.*, p. 104.
- [28] See *Dex*, p. 812.
- [29] See T. Bodoașcă, L. I. Tarnu, *op. cit.*, p. 19.
- [30] According to the Constitution, there are public institutions: the People's Advocate (art. 58-60); Legislative Council (art. 79); The Supreme Council of Defense of the Country (art. 119); The Superior Council of Magistracy (art. 133-134); The Court of Auditors (art. 140); The Economic and Social Council (art. 141); The Constitutional Court (art. 142-147).
- [31] See T. Bodoașcă, *Discussions regarding the concept of opera (Discuții privind conceptul de opera)*, *cit. supra.*, p. 105.
- [32] See *Dex*, p. 914.
- [33] See *Dex*, p. 721.
- [34] The text regulated by art. 9 lit. e) from Law no. 8/1996 bears a certain observation because the terms “news” and “information” form a tautological construction. According to *Dex*, news is short informations (p. 1208) and information is also defined as news that makes someone aware of a situation (p. 554). In this case, I believe that the legislator should opt for another expression or to use only one of the two terms.
- [35] See *Dex*, p. 959.
- [36] See in this regard, Commercial judgment no. 5205/23.12.2005 of Bucharest Court – Section Commercial the VI, irrevocable by decision no. 1247/21.03.2007 of the High Court of Cassation and Justice, by which it is shown that to prove the falsity of the information communicated in the press it is not always as easy as we may think, being a slippery field with many interpretable factors.

- [37] See for details T. Bodoaşcă, *Discussions regarding the concept of opera (Discuții privind conceptul de opera)*, *cit. supra.*, p. 105; V. Roş, *op. cit.*, p. 184.
- [38] As we can see in the Indian Copyright Act from 1957, which was adopted by Law no. 14 from 1957, subsequently modified by Law no. 49 from 1999, in Chapter 1, entitled Preliminaries are regulated, in alphabetical order the definition of over 30 terms used throughout the law. Law taken from <http://iprlawindia.org> – the site of Center of Intellectual Property and Pleading from the National Law School of the University of India.

# Medical and Legal Coordinates of Assisted Suicide

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## **Abstract**

Human life is the primordial value of any society and is at the center of the interest of all legislations in the world. Medically assisted suicide (SAM) is defined as the termination by the patient of his own life, with the help of the doctor, but without his active participation. It is the doctor who prescribes the substance, makes it available, but does not administer it. International rules do not contain provisions in favor of assisted suicide, and most states reject recognition of this right. In this work, we will try to define some medical and legal coordinates of assisted suicide, at the confluence with moral norms and even with religious norms.

*Keywords: Human, medically, suicide, justice, legal norms.*

## **Right to Life**

Human life is the primary value of any society and is at the heart of the interest of all legislations around the world, and justice is one of the universal values of human life [1].

Justice is the constituent principle of law [2], as a set of legal norms could not exist. The right to life is regulated by the most important international legal instruments and is then contained in national legal norms. The international legal instrument with the greatest impact on national legal norms, states that “every human being has the right to life, liberty and security of his person” [3].

The European Convention for the Protection of Human Rights and Fundamental Freedoms states that “the right to life of every person shall be protected by law. Death can be caused to someone intentionally, except in the execution of a death sentence handed down by a court, when the offence is punishable by law” [4]. In the legislation of our country, “the right to life, as well as the right to physical and mental integrity of the person are guaranteed” [5].

The defense of the right to life is not a novelty of contemporary society, this fundamental human right being defended since ancient times. Lately, however, we are witnessing controversial discussions regarding the right to life and the right to death, discussions with psychological, medical, filosofice, legal or religious implications. These discussions arose as a result of man's emancipation, as a change in the way of thinking.

The right to life is considered a sacred right, and proponents of the idea of the sacredness of life, led by the Church, do not conceive of accepting the idea of being able to decide the end of our lives. But there are individuals and organizations that argue that life is a right and not an obligation, which is why they are campaigning for the legalization of assisted suicide as the right of a dignified death. This form of ending life constitutes a challenge, a problem for the legal system, and “contemporaneity takes us away from the traditional way of thinking...” [6].



## **Medically Assisted Suicide**

Medically assisted suicide (MAS) is defined as the patient's termination of his own life, with the help of the doctor, but without his active participation [7]. It is the doctor who prescribes the substance, makes it available, but does not administer it. International rules do not contain provisions in favour of assisted suicide, and most states reject recognition of this right.

Following the request of some citizens of the European Court of Human Rights to be given support for their own death, the Council of Europe issued a recommendation reiterating the provisions of the European Convention on Human Rights on guaranteeing the right to life and on the mission of each state to care for its own citizens and not to suppress their lives, even if they want and demand it [8]. However, some countries have adopted rules in favour of this procedure in order to end the suffering of the sick in the advanced stages of incurable diseases.

If we look from the perspective of the doctors who have to take the steps to trigger the patient's death, the concept of assisted suicide also violates the provisions of the Hippocratic Oath, which is made by any doctor: "I will guide the care of the sick for their benefit, as much as my powers and mind will help me and I will avoid doing them any harm and any injustice. I will not entrust poisons to anyone if he asks me, and I will not exhort him to do so..." [9].

In states where assisted suicide is legal, the impact on doctors is a major one, because it constitutes a huge pressure and a permanent sense of guilt as a result of the violation of the principles that brought him to the position of practicing this profession and, why not, as a result of the violation of religious perceptions. The doctor has a legal and moral obligation to save the life of the patient, even in the terminal stage of an incurable disease, regardless of the costs that this entails. However, the obligation of medicine to fight for the life of a patient even when he no longer has a chance, has come to be considered a stubbornness to keep him alive.

## **Human Dignity and the Right to Death. Global Trends in Assisted Suicide**

People who call for the legalization of assisted suicide, most often use the argument of human dignity and the right to dispose of one's own body, presenting this as a last act of liberation in the face of self-suffering and degradation. The principles on which they and the organizations that support them are based are respect for the freedom and autonomy of the individual, the principle of solidarity with the sufferers and the protection of those who advocate for the alleviation of human suffering and the promotion of free competition of ideas.

Assisted suicide is now legal in 5 U.S. states, in Canada, Switzerland, the Netherlands, Belgium and Luxembourg.

In Romania, this procedure is not legal, any act committed with the purpose of the death of a person being criminalized by the Criminal Code [10].

In Switzerland, there has been a law in place for about 60 years that allows suicide assisted either by a doctor or by another person, but assistance is only for human reasons and not for material gain. Here there has been since 1982 an EXIT-Swiss Society for human death society, which requires that the person who asks to be assisted in suicide be at least 18 years old, be resident in Switzerland, be mentally competent, suffer from intolerable health problems and know the alternatives, without being influenced by other people [11]. Throughout the procedure, the patient will be assisted by a medical professional, with the participation of a close relative. EXIT, together with the company DIGNITAS, represents only two of the organizations that make Switzerland the paradise of people who practice macabre tourism.

In Luxembourg, anyone who has reached the age of 18 who is aware at the time of the request may make a written request, which is not the result of external pressure, to be assisted at the time of suicide. He must be in a hopeless medical situation with unbearable suffering [12].

On the territory of the USA, in 8 states, the Death Act operates with dignity. According to this law, the patient requesting suicide assistance must be a resident of the states of California, Colombia, Hawaii, Maine, New Jersey, Oregon, Vermont or Washington, be at least 18 years old, be suffering in the terminal stage of an incurable disease, have at least 6 months to live, make at least two verbal requests for suicide assistance and one in writing, to convince at least two doctors that the decision belongs to him and is not a whim, not to suffer from depression and to be able to administer the prescribed substances himself [13].

The reasons why there are not many states that have legislation on assisted suicide are the *risk of getting the phenomenon out of control*, by applying the procedure to both sufferers and other people, *the psychological pressure exerted on people who have become powerless*, who would feel morally compelled to resort to assisted suicide in order to no longer be a burden on their loved ones and *the loss of trust patients in the medical act and in what the doctor represents for society*.

If until now the doctor represented salvation, hope, with the adoption of legislation that would allow him to end the patient's life, the perception of patients would change.

### **Instead of Conclusions**

There is no consensus in the adoption of legislation on internationally assisted suicide, not even in the European Union, but the number of states that have draft laws in this area is increasing. We note that although international legal instruments do not promote legislation in favor of assisted suicide, some states have assumed their own legislation in this regard.

The voluntary cessation of life is still a taboo subject, due to the connotations of moral, religious, philosophical, etc., but the way of thinking of the contemporary society changes from one day to the next, which implicitly influences the norms that govern the societies in which they live together.

The law does not give us an answer to questions about the fundamental value it protects, namely the right to life. The new way of approaching life as a protected value is a real challenge for the science of law. Religion gives us more answers, depending on the religious cult of each one. As we look at the diversity of national laws over time, many other questions arise.

Is life just a right or an obligation? Do we have the right to end our suffering? Is it moral for the doctor who, through the Hippocratic oath, undertook to save lives, with the same hand, to take lives? Is it moral for the doctor, who due to his principles related to life has chosen this profession, to be guided by another deontological code, with which he does not agree? How will patients look at the doctor they have in front of them: with confidence, with hope or with hopelessness? Were the legal norms based only on religious perceptions that have now been lost? Is the sufferer who is denied a voluntary cessation of life discriminated against? Is people's new way of thinking about ending suffering actually an evolution that scares most of us?

### **REFERENCES**

- [1] Gorea B., Puha E. (2009). Philosophy, Justice and Law, Zethus Publishing House, p. 87;
- [2] Ibid., p. 84;
- [3] Universal Declaration of Human Rights, art.3;
- [4] European Convention on Human Rights, Art.2, para.1;
- [5] Constitution of Romania, art. 22;
- [6] Gorea B., Puha E. (2010). Truth and Value in the Theory and Practice of Law, Zethus Publishing House, Aula Collection, p. 58;
- [7] <https://asociatiaprovita.ro/resurse/bioetica/eutanasia-sinuciderea-asistata/>, accessed on 09.11.2022, 14.00;
- [8] Council of Europe Recommendation 1419/1999;
- [9] www. spcm.ro, accessed on 09.11.2022, 14.30;

[10] Criminal Code, art. 188;

[11] <https://exit.ch/>, accessed on 09.11.2022, 16.30;

[12] Act on Euthanasia and Assisted Suicide, 16 March 2009;

[13] <https://www.deathwithdignity.org/learn/access/#Eligibility>, accessed on 09.11.2022, 16.45.

**LOW SECTION  
STUDENTS PAPERS**

# The Concept, Legal Nature and Principles of the Public Procurement Contract

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## Abstract

The public procurement contract in essence is part of the category of administrative contracts. Initially a commercial contract, it became assimilated into the category of administrative acts with Law no. 554/2004. In this context the study proposes to analyse the concept, Legal Nature and Principles of the Public Procurement contract.

*Keywords: The public procurement contract, Legal Nature, Principles of the Public Procurement contract.*

## Introduction

The existence of public procurement contracts has been attested beginning with the Middle Ages. Later, in the period between the two world wars, when Romanian law took shape, the judicial nature and the concept of contract awarding by way of public tender suffered numerous legislative oscillations, noted by the doctrine. Initially a commercial contract, it became assimilated into the category of administrative acts with Law 554/2004.

The public procurement contract in essence is part of the category of administrative contracts which the French doctrine (Gaston Jeze) defines as “the contract which is concluded by the administration in order to ensure the functioning of a public service and which, from the point of view of particular regulations, is subject to different rules than those governing the legal relationship of private individuals” [1].

“The arguments with the purpose of justifying the administrative nature of a public procurement contract are discussed in specialized literature or in jurisprudence, especially since the contracting authority carries out all its acts in order to fulfil its competences, expressly provided by law as a public power- *ius imperii*.” [2]

The legal framework in the field of public procurement was outlined by integrating the three EU Directives (Directive 2014/23/UE regarding concession agreements, Directive 2014/24/UE regarding public procurement, Directive 2014/25/UE, regarding procurement carried out by entities in the field of water, energy, transportation and postal services, published in the EU Official Journal of March 28, 2014) into the national legislation governing the field. Thus, beginning with 2016, all European Union member states had the obligation to transpose the new legal framework in this matter. Public procurement contracts are regulated by imperative norms of public order, the seat of the matter being Law 98/2016 [3], Law 99/2016 [4] and Law 100/2016 [5], their provisions being completed by Law 101/2016 [6], which regulates the main remedies at law in the matter of public procurement.

The main source of Romanian law is Law 98/2016, for the application of Directive 2014/24/UE, in which one finds the definition of the public procurement contract as “*the onerous contract lawfully assimilated into an administrative act, concluded in writing between*

*one or several economic operators and one or several contracting authorities, the object of which is carrying out works, supplying goods or providing services.”*

The doctrine specifies the following defining characteristics of a public procurement contract:

✓ It is a *named contract* (it is regulated by Law 98/2016 regarding public procurement, which applies Directive 2014/24/UE)

✓ It is an *onerous contract* (the contracting authority/entity pays a price and receives a counterperformance in return)

✓ It is a *synallagmatic contract* (the cause of the price is the receipt of works, goods or services in return, and vice versa – the cause of carrying out works, providing goods or performing a service is the receipt of a price in return)

✓ It is a *solemn contract* (concluded in writing *ad validitatem* after carrying out the legal formalities regulated as award procedures which condition the validity of the contract)

✓ It has a *determined object* (goods, services or works) and subjects determined by law (the contracting authority and the economic operator)” [7]

“The current legal framework regarding public procurement has the purpose of simplifying procedure and making them more flexible in order to encourage the access of small and medium enterprises to public procurement contracts and also in order to guarantee that greater emphasis is put on social and environmental criteria. This framework is completed by the Directive regarding concessions, which creates an appropriate legal framework for awarding concessions, one which guarantees that all economic operators in the EU have effective and non-discriminated access to the EU market” . [8]

The legislative part which regulates public procurement refers to establishing the principles, general framework and procedures for awarding public procurement contracts, as well as establishing the remedies at law against an act or decision of the contracting authority which applies one of the procedures for awarding a public procurement contract.

## **The Object and Purpose of Public Procurement**

Law 98/2016 regulates the way in which public procurement is to be carried out, the procedures for awarding public procurement contracts, the procedures for organizing a solution bid, the specific instruments and techniques which can be utilized in awarding public procurement contracts, as well as certain specific aspects regarding the enforcement of public procurement contracts.

In order to fulfil the object of Law 98/2016, this normative document specifies that the purposes of this law are to promote competition between economic operators, to guarantee equal treatment and lack of discrimination, to ensure the transparency and integrity of the public procurement process and to ensure that public funds are efficiently used by applying awarding procedures.

For these reasons, we appreciate that public procurement contract analysis requires a deep knowledge of the principles of public procurement.

## **The Principles of Public Procurement**

The following principles form the basis of awarding a public procurement contract: *non-discrimination, equal treatment, mutual recognition, transparency, proportionality and efficiency in utilizing public funds.*

“*Non-discrimination* consists of ensuring the conditions for any goods provider, contractor or service provider, regardless of nationality, to lawfully become a contracted party.” [9]

*Equal treatment* consists of applying the selection criteria and contract awarding criteria in a non-discriminatory manner, so that any goods or services provider or contractor can have equal chances of being awarded said contract.

*Transparency* is a fundamental principle which governs awarding procedures, contributing to enhancing confidence in the manner in which public resources are utilised.

*Proportionality* involves establishing a quantitative and qualitative correspondence ratio between the needs of the contracting authority, the object of the public procurement contract and the requirements to be fulfilled in order for the contract to be awarded.” [10]

Mutual recognition: acceptance by the contracting authority of “the products, services or works lawfully provided on the European Union market, the diplomas, certificates, other documents issued by competent authorities in other states, the technical specifications equivalent to those nationally required. Consequently, this principle upholds two of the liberties of the Single Market, namely the free circulation of services and the free circulation of goods.” [11] Thus, the creation of a common market is supported by eliminating commercial barriers between member states.

“Efficiency in using public funds consists of using the competitive system and the economic criteria for awarding public procurement contracts”. [12]

### *The Principle of Avoiding Conflict of Interests*

The provisions of article 58 of Law 98/2016 institute the contracting authority’s obligation to take all required measures throughout the awarding procedure in order to prevent, identify and remedy conflict of interest situations, for the purpose of avoiding denaturation of competition and for the purpose of ensuring equal treatment for all economic operators.

## **Conclusion**

The public procurement contract in essence is part of the category of administrative contracts. Initially a commercial contract, it became assimilated into the category of administrative acts with Law no. 554/2004.

The legal framework in the field of public procurement was outlined by integrating the three EU Directives (Directive 2014/23/UE, Directive 2014/24/UE, Directive 2014/25/UE) into the national legislation governing the field. Beginning with 2016, all European Union member states had the obligation to transpose the new legal framework in this matter, so in Romania public procurement contracts are regulated by imperative norms of public order: Law 98/2016, Law 99/2016 and Law 100/2016, their provisions being completed by Law 101/2016, which regulates the main remedies at law in the matter of public procurement.

The following principles form the basis of awarding a public procurement contract: non-discrimination, equal treatment, mutual recognition, transparency, proportionality and efficiency in utilizing public funds.

## **REFERENCES**

- [1] Cătană E. L. (2021). Drept Administrativ, Ediția a 2-a revizuită și adăugită, Editura C.H. Beck, București
- [2] Lăzăroiu P., Cochintu I., Popescu M.A., Cărlan M.V. (2018). Curs de achiziții publice, editia a 2-a revizuită și adăugită, Editura Hamagiu, București.
- [3] Law nr. 98/2016 regarding public procurement (Official Gazette nr. 390 of May 23, 2016), with its subsequent alterations and completions.
- [4] Law nr. 99/2016 regarding sectorial procurement (Official Gazette. nr. 391 of May 23, 2016), with its subsequent alterations and completions.
- [5] Law nr. 100/2016 regarding work concession and service concession (Official Gazette nr. 392 of May 23, 2016), with its subsequent alterations and completions.

- [6] Law nr. 101/2016 regarding remedies at law in the matter of public procurement awarding., regarding sectorial contracts, work concession contracts and service concession contracts, as well as regarding the organisation and functioning of the National Council for Appeal Resolutions (Official Gazette. nr. 393 of May 23, 2016), with its subsequent alterations and completions.
- [7] Rațiu M.A. (2018). Dreptul achizițiilor publice, Volumul 1. Contractul de achiziție publică. Regimul juridic aplicabil atribuirii contractului, ed. a II-a, revăzută și adăugită, Ed. Universul Juridic, București
- [8] Cătană E.L., op. cit., p.321
- [9] Ciobanu A.S. (2015). Drept administrativ. Activitatea administrației publice. Domeniul public, Universul Juridic, București, p. 107.
- [10]Lazăr S. (2009). Achiziții publice-Principii-Proceduri-Operațiuni-Metodologie, Ed. Wolters Kluwer România, p. 16.
- [11] Achiziții publice-contracte, norme de aplicare și ghid de atribuire, Ediția septembrie (2008), Monitorul Oficial, București, p.304
- [12] Vedinaș V. (2019). Drept administrativ, Ediția a XI-a revăzută și actualizată, Universul Juridic, București, p. 17



# Analysis of Applications for Plagiarism Detection

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## Abstract

In the context of protecting intellectual property, with reference to any kind of creation of the mind, among which we can list inventions, innovations, scientific, literary, and artistic works, images, software applications, etc., the need to use quick means of detecting violations of intellectual property is from more and more necessary. the fastest and most effective methods of detecting plagiarism are those that are based on the use of information and communication technology, more precisely by using specialized plagiarism detection applications. In the software market there are a lot of applications designed for this purpose. The aim of this work is to identify some high-performance applications for plagiarism detection, to briefly describe these applications and to carry out an objective comparative analysis, so that the choice of the best application can be made objectively. In this paper will be analyzed the 5 most popular applications specialized in plagiarism detection.

*Keywords: anti-plagiarism applications, copyright*

## Premises of the Study

The very large amount of new information, new ideas, new creations from the perspective of intellectual property rights, implies the use of tools by which this intellectual property is not violated. The need to identify products, applications through which the problem of intellectual property can be solved to a good extent, is more and more current.

Through this study we identify, describe, and compare 5 computer applications for plagiarism detection.

The 5 apps were chosen by comparing, using search engines and their review site, the most requested plagiarism detection apps.

Following the analysis, we chose the following 5 computer applications for plagiarism detection:

- Double Checker
- Copyleaks
- PaperRater
- Plagiarism
- Plagiarism Checker

In the following we will briefly describe each of the 5 IT applications and we will make a comparative analysis of them, using various evaluation criteria.

## Description of Applications

### *Dupli Checker* [1]



Dupli Checker

This is one of the most effective free plagiarism detection tools on the Internet. While it doesn't have a fancy interface, it certainly gets the job done well.

The main advantages are that the application is free and easy to use. The application does not require previous experience in using anti-plagiarism tools.

The search tool can be used both by entering a text directly into the system, but also by uploading a Microsoft Word document. The application allows checking a maximum of 50 documents per day for registered users.

The app does provide paid versions.

### *Copyleaks* [2]



This cloud-based authentication platform enables you to track how eLearning content is being used all around the Internet.

The application offers users 2 versions, one for the business environment and the other for the educational environment. Thanks to the API tools, the application can be integrated into various platforms. The application can also be integrated into Microsoft Word to automatically detect paragraphs that are also found in other documents.

The application provides a free version, which can only be used after registration, and which limits the number of checks. There are also several paid versions.

### *PaperRater* [3]



Is a multi-purpose free plagiarism detection tool that is used in over 140 countries.

The application offers the user, in addition to the plagiarism checker, a grammar checker and a vocabulary generator.

The app does not generate plagiarism reports and only provides suggestions while making grammar corrections.

The app offers both the free version and various paid versions that offer various additional features.

#### ***Plagiarism [4]***



Is an easy-to-use, multi-purpose plagiarism detection tool that is used by students, teachers, writers, as well as various members of the literary industry.

The main advantage of these applications is the large number of languages in which the search can be made. It offers users over 190 languages for which plagiarism detection can be done.

Text input can be done directly on the application website page or by uploading a multitude of text file formats.

The application provides users with the free version, limited to a maximum number of checks. There are also several paid versions, each with various features.

#### ***Plagiarism Checker [5]***



User-friendly, entirely free plagiarism detection tool to check whether content is plagiarized.

It provides a succinct breakdown of each step-in plagiarism checking, making it a very easy-to-use tool. It can also be used by the authors of works to check potential plagiarism in their works, with the possibility of receiving alerts by e-mail.

The app does not provide paid versions.

#### **Comparative Analysis**

For the 5 plagiarism detection applications, 10 comparative criteria were considered, as they are described in the table below.

**Table 1.** Comparative table offers the possibility to choose the optimal application for certain specific needs

<b>Criteria/ App</b>	<b>Dupli Checker</b>	<b>Copyleaks</b>	<b>PaperRater</b>	<b>Plagiarisima</b>	<b>Plagiarism Checker</b>
<b>Languages</b>	18	12	English Only	190+	English Only
<b>Free Version</b>	Yes	First 10 Pages	Yes	Yes	Yes
<b>Prices/ Month</b>	25\$	10.99\$	7.99\$	25\$/30\$	No Paid option
<b>Web</b>	Yes	Yes	Yes	Yes	Yes (Only supports Yahoo or Google Browsers)
<b>Standalone</b>	No	No	No	No	No
<b>Add-On</b>	No	No	No	Chrome and Firefox	No
<b>Word Count</b>	1000 - Free Version	Ten Pages- Free Version	5 pages at most	Doesn't specify	No Word Limit
<b>User- Friendly</b>	Yes	Very (gives tutorial at beginning)	Medium	Not really	Very (Gives tutorial at beginning)
<b>Account needed</b>	No	Yes	No	No	No
<b>Ways To Check Plagiarism</b>	Typing URL File	Files Typing URL Images	File Typing	File Typing URL	Typing

**REFERENCES**

- [1] <https://www.duplichecker.com/>
- [2] <https://nortech-platform.com/listing/copyleaks-3/>
- [3] <https://www.paperrater.com/>
- [4] <http://plagiarisma.net/ro/>
- [5] <https://www.blibli.com/amp/p/plagiarism-checker-x-premium-full-version-terbaru-pro-lifetime/ps--MAC-60139-00920>

## Sanctioning of Anti-Competitive Practices

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### Abstract

Competition plays a particularly important role, both socially, politically, and economically, and the factors that influence it, both positively and negatively, also have a special role in the way it manifests, evolves, and changes within society.

The present study focuses on the role of competition and competition policies, wanting to draw attention to anti-competitive, monopolistic practices, addressing the issue of their sanctioning. The need for sanctions to reduce, and even to put an end to, non-competitive practices is imperative. A well-established competition policy is necessary for economic operators in order not to allow them to imperfectize the competitive environment.

*Keywords: non-competitive practices, monopoly, competition, sanction.*

### Introductory Aspects

#### *Notion of Competition*

To have a clearer vision of the competition phenomenon as possible, we must look etymologically at this word. The term “competition” comes from the Latin “competitio”, which means “to compete”, “to rival”.

Starting from this concept, competition is a rivalry between two or more people, who aim to achieve the same result. It is an intrinsic component of the human side, and its existence is natural, having a positive purpose (self-improvement and progress).

Competition is not an activity specific to strictly the commercial area but is of particular interest because if carried out by unlawful means it can lead to harm to consumers, competitors, and the market.

In the literature [1], competition is regarded as a confrontation between two or more economic agents to gain and preserve customers. The competition achieved within the limits of the law has a beneficial effect for the market because the aim is to obtain as much profit as possible, which is achieved by preserving one's own clientele. This leads to progress, effective management, and technological development.

In view of the foregoing, competition can be defined as competition between undertakings in a relevant market involving the means permitted by law to gain customers, take over the market and make a profit [1].

## *Need for Competition Policy*

The birth of competition and competition law have raised the question of a regulation of these practices. The market cannot exist and function normally unless there are mechanisms in place to ensure its proper development. The introduction of competition rules was a process that involved a combination of factors.

Among the first states to introduce competition regulations was the United States of America [2]. Thus, in 1890, the **US Sherman Act** was introduced in the USA, a document adopted amid growing concerns about the increase in the number of agreements in the field of oil, banks, railways, which threatened the stability of the political-economic system. In Europe, at the beginning of the twentieth century, competition regulations sought to strike a balance between the economic benefits of business-to-business cartels and the political-economic risks they entail [3].

Thus, the first document governing competition is **the Treaty on the Economic Community of Coal and Steel (ECSC-1951)**, which regulates coal and steel practices. Subsequently, they are taken over in Articles 85 and 86[4] of **the Treaty of Rome (1957)** [5].

The current competition policy is based on Article 3 of the Treaty of the European Economic Community, according to which it is necessary to act in such a way that “competition in the common market is not distorted”, which is also found in Articles 81 to 89 of the Treaty on European Union.

References to the field of competition can also be found in the Regulations and Directives adopted by the Council of the European Union and the European Commission. Among them we mention:

1. COUNCIL REGULATION 17/1962
2. Regulation No 1/2003
3. Regulation No 139/2004, etc.

In Romania, in the context of the changes that occurred after 1990, it was necessary to establish a legal framework regulating the conduct of economic activities. Thus, the Constitution of Romania provides in art. 135 para. 2 that “the State must ensure the freedom of trade, the protection of fair competition, the creation of the favorable framework for the valorization of all factors of production [6]”.

The first law regulating competition in Romania appeared in 1996, it covered both institutional aspects, the application process, and the legislation on mergers. Law nr. 21/1996 was substantially amended, many of the amendments having as purpose the alignment of the Romanian legislation with the European one [7].

Several changes were made in 2010, with the aim of ensuring greater convergence with European legislation. an example of this is the abandonment of the notification system for restrictive agreements, being replaced by the EU's self-assessment model. Other changes took place in 2014, with the entry into force of the New Penal Code.

The last amendment of this law took place by O.U.G. no. 46/2022, this Ordinance establishes the legal framework necessary for the implementation of Regulation (EU) 2019/452, which sets out the legal framework for the screening of foreign direct investments in the Union [8].

## **Anti-Competitive Policy**

### ***Monopoly [9]***

Monopoly is the ability of one economic operator to decide, in a majority way, on another economic agent, contrary to normal entropic tendencies. The monopoly position is the consequence of an excessive domination of economic agents, and it can be legal or illegal.

The European Commission has been a basic instrument that has led to the liberalization of trade and competition. Thus, there are a few monopoly regulations at Community level. An example of this is the Commission Directive of 16 May 1988 on competition in the markets for telecommunications terminal equipment.

In Romania, the monopoly is regulated by Law nr. 21/1996 and the Monopoly Law no. 31/1996.

### ***Effects of Anti-Competitive Practices***

Monopoly generates harmful effects for consumers, leading to higher prices and lower product quality. This leads customers to pay a higher price per product than its actual value. Thus, a first effect of monopolism is the imbalance in the functionality of economic relations in the market. Economic agents are dictated the economic conditions and have any possibility of free negotiation of the exchange of material values annihilated [9].

Anti-competitive practices have an effect, not only on prices, but also on the market itself. When we talk about the effects produced within the Community, we are referring to both the Member States and the third countries. When monitoring the effects produced within the Community towards third countries, it is considered that the cartel was concluded within European territory to affect only competition in third countries. Those 'export' cartels are considered not to fall within the scope of Community law, but since the extraterritorial effects of such a cartel are felt, by ricochet, in its territory, the principle of effect will lead to the application of the Community competition rules [10].

Anti-competitive practices produce a number of harmful effects for the market, among which we will mention: the opacity of the market, the existence of certain barriers to entry on the market (whether technological, commercial or legislative in nature), the existence of a smaller number of economic agents, more deficient products, and the factors of production are characterized by rigidity, which is contrary to the fluidity of supply and demand [11].

### ***Sanctioning Anti-Competitive Practices [12]***

Putting an end to the anti-competitive phenomenon is a concern of both the European Union and individual Member States.

If we look at the sanctioning mechanism of infringements of competition law, we distinguish two conceptions of legislative policy. Thus, there is the view that the procedure for penalizing anti-competitive acts must be administrative. It considers that the most effective measures are the criminal and administrative measures, the State being the guarantor of the freedom of trade, having the obligation to intervene actively to detect, sanction and prevent the commission of anti-competitive acts.

There is also the conception that the most effective sanctions for preventing anti-competitive acts are civil ones (in the form of damages). These sanctions are applied by the courts at the request of the injured economic agents. This conception does not deny the role of the State as guarantor of freedom of trade but starts from the presumption that in competition law cases the mechanism of justice is better equipped to solve faults in this matter. Also, the enforcement of

legislation by private individuals can be much more effective than an administrative intervention.

Regardless of how the sanctioning mechanism of anti-competitive practices is conceived and structured, its application is strongly influenced by the dominant economic and social ideology. The way in which unfair competition law is implemented differs from one State to another, from one system to another. The Romanian competition law fully falls within the framework of administrative sanctions. Thus, one can note the predilection of the

Romanian legislator for the administrative mechanism of sanctioning, which also results from his concern to define anti-competitive acts as contraventions.

Criminal incriminations are few and only existing in the case of serious anti-competitive acts, and the sanctions applied are relatively mild.

However, regardless of the administrative intervention, economic agents, victims of anti-competitive acts, also resort to the ways of civil law (the possibility of claiming the payment of compensation or obtaining a court decision to cease the harmful act). The possibility of recourse to these civil actions is also expressly recognized by the Competition Act.

### **Case Study [13]**

Following two investigations that took place in 2017, the competition authority found that, in the period 2017-2019, the manufacturer R. Romania SRL adopted a commercial strategy aimed at eliminating competition in auctions and delaying the entry on the market of similar drugs.

The behavior of the company R. Romania SRL manifested itself during 2017, in the context of participating in the centralized public procurement for medicines, within the national oncology program, but also within other 47 tenders organized at hospital level for the supply of the same medicines (medicines containing Rituximab and Trastuzumab).

To avoid the monopolization of the current legislation in Romania provides that "a manufacturer is obliged to supply medicines to a maximum of 3 distributors". Although R. Romania SRL sold the medicines to its partner distributors, who were competitors in the auctions, the price offered to distributors was higher than its bid price at public auctions. In this way, the company eliminated its competition in the auctions because the other distributors could not participate in these proceedings on reasonable terms.

This strategy was motivated by the intention to delay and make it difficult to access the market for other variants like products containing Rituximab and Trastuzumab. The distributors of medicines did not sell exclusively products of R. Romania SRL and as a result, if they had won a tender for the medicines containing the two substances, during the contract they could have replaced these medicines with cheaper ones of other manufacturers. The shares of R. Romania SRL created certain barriers to entry on the market, with the effect of closing it, delaying the emergence of alternatives, which contributed to the consolidation of the dominant position.

This strategy affects the budget of the NHIF allocated to the oncology program. By settling the price of R. Romania SRL's medicines, CNAS incurs significantly higher costs than the cheaper biosimilar drugs would have settled. An estimate showed that biosimilar alternatives could have brought savings of about 7.1 million euros to the budget of the national oncology program.

For this behavior, the company was sanctioned with 44,168,105 lei (9.74 million euros). In another investigation, the Competition Council found that during the same period, the company had implemented a strategy to prevent the sales of competing medicines containing a similar substance.



Part of the company's strategy was also part of directing patients to their own product, by using the Roche Patient Card and the Call Center Roche.cu the budget allocated to the settlement of this medicine, CNAS could have reimbursed many more similar drugs for patients. According to a calculation of the Single National Health Insurance Fund (FNUASS), additional amounts exceeding 2 million lei were allocated.

Following these investigations, the Competition Council sanctioned R. Romania SRL with 15,799,839 lei (3,387,688 euros).

Non-competitive practices produce several harmful effects on both consumers and the market, which are also highlighted in the present case. A main effect concerns consumers, they are privileged by the necessary treatment. Because the product is an expensive one, CNAS cannot afford to purchase enough medicines for each patient, so a part of them will not benefit from the treatment.

These practices have also led to the elimination of fair competition in the market, to the opacity of the market. The existence of a single distributor on the market leads to a major lack of transparency of the competitive phenomenon, to an imbalance between supply and demand, which also results in the change in prices by society at will. Certain barriers to entry have also been created. Although there are a number of national and Community normative acts (the Agreement with the states of the European Free Trade Association and the bilateral arrangements concluded in Geneva, the European Agreement concluded in Brussels between Romania and the European Communities) that have as their main purpose the repression of these practices, some of the economic agents find ways to avoid competition and to resort to monopolistic practices in order to dominate the market and to obtain a profit as much as possible. Although there are numerous sanctions, they do not produce their desired effect, and economic agents continue to resort to such practices. To stop this phenomenon, it is necessary to rethink the sanctioning policy to implement much more repressive measures.

## Conclusions

The evolution of the economic system has led to the need to establish rules to guide all economic activity, especially that relating to competition. Competition policies seek to prevent and combat anti-competitive practices, but also possible changes in the economic system aimed at favoring the emergence of monopolistic structures.

The sanctioning of these practices is imperative, its main purpose being to stop this phenomenon, while also playing a preventive role. Although there are numerous sanctions, both administrative, criminal, and civil, it has not yet been possible to find an optimal system for reducing these practices, because regardless of the type of sanction applied to economic agents, they continue to find ways to circumvent competition.

## REFERENCES

- [1] Gheorghiu G., Niță M. (2011). Domestic and European Competition Law - university course, Universul Juridic Publishing House, Bucharest p.p. 8-9.
- [2] For ease, the abbreviation USA will be used.
- [3] Monti M. Competition Policy, Monographs- European Policies, p. 3 et seq.
- [4] The numbering of the articles is in accordance with the numbering adopted in Amsterdam, according to the Maastricht numbering, the content of those articles is to be found in Articles 81 and 82.
- [5] The treaties can be read in full on the website <https://www.europarl.europa.eu/about-parliament/ro/search?planet=about-parliament&q=tratatul+privind+uniunea+europeana> ;
- [6] The Constitution of Romania, published in M. Of. of Romania, Part I, no. 767 of 31 October 2003, as amended and supplemented by Law No 767 of 31 October 2003. 429/2003, published in M. Of. of Romania, Part I, no. 758/2003
- [7] Law nr. 21/1996 on competition, published in M. Of. of Romania, Part I, no. 153/2016.

- [8] See the amendments to this law, [https://www.cdep.ro/pls/legis/legis\\_pck.frame](https://www.cdep.ro/pls/legis/legis_pck.frame) ;
- [9] Cotuțiu A., Sabău G. V. (2008). Romanian and Community Competition Law, C.H. Beck Publishing House, Bucharest, p.p. 221-224;
- [10] Fuerea A. (2006). Community Business Law, Ed. Universul Juridic, Bucharest, p.p. 203-205.
- [11] Iancu A. (1992). Tratat de economie vol. 3, Ed. Expert, Bucharest, p.p. 52-53.
- [12] Sanctioning monopolistic deeds, available on <https://administrare.info/domenii/drept/4311-sanctionarea-faptelor-monopoliste> ;
- [13] [http://www.euroavocatura.ro/stiri/14971/Consiliul\\_Concurentei\\_a\\_sanctionat\\_compania\\_farmaceutica\\_Roche\\_Romania\\_SRL\\_pentru\\_abuz\\_de\\_pozitie\\_dominanta\\_pe\\_piata\\_unor\\_produce\\_oncologice\\_din\\_Romania](http://www.euroavocatura.ro/stiri/14971/Consiliul_Concurentei_a_sanctionat_compania_farmaceutica_Roche_Romania_SRL_pentru_abuz_de_pozitie_dominanta_pe_piata_unor_produce_oncologice_din_Romania) .

## Community Anti-Dumping Policies

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### Abstract

Dumping is a form of unfair competition and it can be defined as a commercial phenomenon that occurs when a state exports goods to the foreign market at a price lower than their value on the domestic market and thus aims to eliminate competition and seize the market, and this phenomenon can lead to a decrease in sales in a certain sector of activity of commercial companies in the importing country, thus causing major disadvantages for them. In the context of community anti-dumping policies, both the World Trade Organization and the European Commission fight to combat these practices through various legal means provided for in international legislation, through regulations and laws adopted at the community level.

*Keywords: antidumping, international commerce, taxes, import, export*

### General Notions Regarding the Concept of Dumping

International trade represents the exchange of goods or services between different states of the world, having a major importance both economically, socially but also politically. Considering the impact that international trade can have on a country's economy, it was necessary to regulate it from the perspective of numerous fields of activity. Thus, the World Trade Organization (WTO) regulated the most important aspects of this type of trade. The European Union, and implicitly its member states, are among the 164 states that make up the World Trade Organization, therefore it has the power to rule on commercial disputes that may arise in the trade process [1]. Among the rules established by the World Trade Organization, but also by the European Union, there are also those targeting the anti-dumping policies, which represent a commercial and economic protection tool used in the case of unfair practices that may occur between states, especially in the field of exports.

Dumping is a commercial phenomenon that occurs when a state exports goods to the foreign market at a price below their value on the domestic market and thus aims to eliminate the competition and seize the market [2]. Fair and honest international trade is beneficial to both exporting and importing markets because it encourages competition, stimulates innovation, and creates jobs, but when dumping trade situations occur, they prevent companies from the domestic market to compete with the much lower prices charged, with the risk of them disappearing from the market.

### Regulation of Anti-Dumping Measures

On a global level, international trade is regulated by the General Agreement on Tariffs and Trade of 1947, based on which the Anti-Dumping Code was adopted in 1979. It provides the

general rules regarding the fight against the phenomenon of dumping and as well as sanctions and its investigation methods.

At the level of the European Union, a series of regulations have been adopted, and they establish the legal rules by which international trade acts are protected. The most important of them is Regulation (EU) 2016/1036 that establishes the EU trade defense rules for protection against dumped imports from countries not members of the European Union.

From its regulations "a product is considered to be the subject of dumping when its export price to the Union is lower than the comparable price, practiced in the course of normal commercial operations, for a similar product in the exporting country" [3], and in order to avoid such practices EU introduced anti-dumping policies to ensure a competitive environment in the industry According to Regulation (EU) 2016/1036, in order for a state to be held liable for acts of dumping, four conditions must be cumulatively met:

- The price of the product exported to the EU should be lower than its normal value on the domestic market or be below the production cost level.
- The industry of which the goods or product is part is significantly damaged or there is a delay in the creation of a new industry in the EU.
- There must be a direct causal relationship between the material damage caused to the European Union and the dumped import.
- The measures taken to combat the phenomenon of dumping should not cause greater damage to the EU's interests.

### **Anti-Dumping Policies**

We reiterate the idea that dumping represents the situation in which a company sells products or even services abroad at lower or significantly lower costs than those practiced on the domestic market, but the act becomes culpable when it damages the economy of the importing country in the field of production or movement of goods.

For the act to be determined as a dumping action, three important components are analysed, namely the normal value of the product on the domestic market, the lower export price of the traded product and the dumping margin which represents the difference between the two elements [4].

Trade protection procedures are initiated after a natural or legal person or an association without legal personality submits a written complaint to the European Commission, which is competent to resolve the commercial dispute regarding the dumping activity. The complaint submitted must include evidence of dumping, the prejudice, and the causal relationship between these two factors.

The European Commission investigates the litigation in cooperation with the member states of the European Union involved and simultaneously investigates both the dumping and the prejudice caused for a period of at least 6 months before the initiation of the procedure. Such a procedure is concluded within 15 months from the initiation, as a rule by the termination of the procedure if it is considered that the application of a measure is not necessary, or the complaint has been withdrawn or by the adoption of a definitive anti-dumping measure. As a rule, a termination measure can be adopted if the dumping margin does not exceed a value considered to be negligible. For example, European jurisprudence in this field has considered a value between 0.2% and 8.8% in trade relations with Japan or a value between 0.2% and 1.3% with the United States of America as a negligible value of the dumping margin [5].

In the matter of Community anti-dumping policies, two categories of measures are distinguished in addition to the termination of the procedure without taking any measures, namely the establishment of temporarily anti-dumping taxes and the establishment of definitive anti-dumping taxes [6].

In accordance with the provisions of the EU Regulation 2016/1036, the anti-dumping measures that can be imposed by the European Commission because of finding that an act has been committed generally have the following forms:

- The obligation to pay *ad valorem* fee.
- The obligation to pay a specific fee.
- A price commitment assumed by the non-European country.

The *ad valorem* or "by value" fee imposed as an anti-dumping measure represents a percentage of the import value of the product or good in question that the importer must pay to eliminate the prejudice caused to the Union industry. For example, in the case of the establishment of such a measure, the importer may be obliged to pay a percentage of 10% of the invoice value to the national authority [7].

The specific fee is a fixed amount of money that the importer must pay for a quantity of goods. For example, an importer of goods is obliged to pay an additional tax of 50 euros for each ton of product traded in the exporting country.

According to Article 8 of the EU Regulation, the Commission can accept the offer of an exporter who voluntarily commit to revise its prices or to give up exporting, but only on the condition that the prejudice caused by dumping is eliminated in this way, and in the case of an increase of prices through the exporter's commitment, they should not be higher than necessary to eliminate the dumping margin.

The *ad valorem* fees, and the specific fees may be equivalent to the dumping margin or negotiated to a minimum level necessary to recover the prejudice caused, but never higher than the dumping limits. These are paid by the importing agent and collected by the national customs authorities of the EU countries party to the dispute. The fees are the subject of revenue to the state budget, and they are individualized for each case, by final and enforceable decision of the Commission [8].

These three types of anti-dumping measures can be provisional or definitive, depending on the specifics of each case analysed by the Commission, thereupon provisional measures are instituted for a maximum period of 6 months, and in the case of definitive measures, for a period of 5 years. After the expiry of the 5-year period, the measures cease to produce effects because of the expiry of the term, except in situations where the Commission re-examines the measure and finds that if the measures cease, dumping resumes and considerable damage to the Union occurs again [9].

In the situation where an importer has been sanctioned with a provisional or final decision for dumping being obliged to pay an *ad valorem* fee or a specific fee, if he demonstrates that the margin of dumping has been eliminated or reduced to a level lower than the minimum level of the anti-dumping duty in force, he may request the reimbursement of the duties charged through a request addressed to the Commission within 6 months from the date on which the decision was issued.

## **New Anti-Dumping Regulations**

Due to the need for a correct regulation of trade relations within the World Trade Organization, in 2017, the European Union amended Regulation (EU) 2016/1036 by legislating a new legal norm, namely Regulation (EU) 2017/2321 on the calculation methodology of dumping to be used in cases relating to imports from member countries of the World Trade Organization where there are significant market distortions because of state intervention. From the content of these rules it is distinguished that in certain situations the dumping margin cannot be calculated as the difference between the normal value of the product on the domestic market and the lower export price of the traded product, but it is also necessary to take into account the

production cost or internal costs such as the cost of raw materials or energy that are not the result of free market forces in the exporting country.

Subsequently, through Regulation (EU) 2018/825 amending some rules from the previous regulations which facilitated the participation of small businesses in anti-dumping actions by establishing an assistance office for the commercial defence of SMEs that manages and gets involved in investigations in domain and creating online tools for assistance. At the same time, through the new regulations, the rule of lower taxes was eliminated by which the margin of dumping could be recovered, the EU becoming empowered to set higher taxes, relative to the extent and the real level of dumping.

By the same regulation, legal norms were also established that significantly shorten the duration of the investigations necessary to establish the state of facts, but also provisions according to which the calculation of the non-prejudicial price is carried out by considering investment costs or costs related to environmental standards.

## Conclusions

In conclusion, the phenomenon of dumping occurs when a producer outside the European Union exports its products to the member states of the European Union at prices that are below the normal market value.

The normal market value is based on the cost price of the product or the selling price that applies in the domestic market of the producer outside the European Union, and to protect the domestic market, anti-dumping measures arose to ensure a competitive environment for the EU industry.

After receiving an anti-dumping complaint, it is the responsibility of the European Commission to investigate the complaint and if there is sufficient evidence, an anti-dumping investigation will be opened. The investigation verifies whether the products are indeed being sold at dumped prices and if these dumping practices cause a prejudice to European production, the Commission may implement anti-dumping measures in the form of *ad valorem* fees, specific fees, or price commitments.

## REFERENCES

- [1] See the article “Anti-dumping policy: how the EU fights against unfair trade practices”, <https://www.europarl.europa.eu>
- [2] Gheorghiu, G., Niță, M. (2011). Dreptul concurenței interne și europene, pp. 78
- [3] Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union.
- [4] Gheorghiu, G., Niță, M. (2011). Dreptul concurenței interne și europene, pp. 79
- [5] Gheorghiu G., Niță, M. (2011). Dreptul concurenței interne și europene, pp. 82
- [6] Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union.
- [7] *Ibidem.*
- [8] *Ibidem.*
- [9] *Ibidem.*

# The Concept of a Market in European Competition Law

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## Abstract

This study highlights the concept of a market in European Competition Law, it examines possible forms of resistance in addressing the market issues that may arise in the competition system in the European Union. The paper takes turns analyzing the concept of the market, starting with the introductory notions, the market power that encompasses the dominance and abuse in the market. In the last chapter we will make a finding on the relevant market, which combines the product market with the geographic market. In the last part of the study, we will present the abuse of a dominant position in the competitive market.

*Keywords: market, competition, trade, product*

## Introductory Market Concepts. Main Considerations

The market is an essential component of international economic integration and is the main means of achieving the goals common to the countries that make it up. The market introduces many advantages that incentivize increased productivity and overall living standards, competition is more intense and consumers benefit from lower prices as well as a wide variety of goods. The Single Market reflects an important achievement of the European Union, so trade achieves increases in living standards [1].

## Definition of the Relevant Market

The generic concept of the market referred to above has the shortcoming of being inappropriate from the point of view of commercial competition. There is no economic competition between sellers, as each tries to have different customers relative to the difference in needs and requests. Direct opponents in the market are born only among those who practice similar activities. Products must contain sufficient similarities so that consumers or beneficiaries take them into account when choosing the right product on the market. E.g. there are distribution agreements on the market with the supplier [2].

## Product Market

Market power has any company only with regard to the supply of certain goods or services. The general approach of the European Commission and the Court of Justice has focused on the highly interchangeable nature, the extent to which the goods or services under examination are interchangeable with other products, being determined both in terms of supply and demand within the market [3].

The interchangeability in terms of demand, requires research of the cross-elasticity of the product. For example, cross-elasticity is high if an increase in the price of a product, e.g. fish meat, causes buyers to turn, in large numbers, towards chicken meat [4].

The tender may be called elastic, where the percentage change in the offer exceeds that of the price. For example, if the price increases by 10%, the offer increases by more than 10% [5].

### **Geographical Market**

The geographical market is defined as the territory in which all traders operate under the same or sufficiently homogeneous conditions of competition in relation to the relevant goods or services, without the need for those conditions to be perfectly homogeneous [6].

The relevant geographic market comprises the area in which the economic operators involved in the market are located, concerning the production and delivery of products, the area in which the conditions of competition are sufficiently arranged, and which can be differentiated into geographical areas, i.e., be accessible to buyers [7].

### **Temporary Factor**

Markets can have a quality or a time element. Thus, a company may hold market power at a certain time of the year when competition from other products is low because those products are available only seasonally. It is equally important to note that the very definition of the product's market has a temporal dimension, in the sense that technological progress and changing consumer habits are changing the boundaries between markets [8].

### **Market Conditions. Market Access by Commercial Agents**

That freedom to participate as a professional in the established economic exchanges is a human right, enshrined in the law, but there can be no question of discretionary, arbitrary, uncontrolled freedom. The social imperative of consumer protection, corroborated with the requirement of maintaining an honest, stimulating competition, as well as with the necessity of protecting the environment, require that access to business be granted only to applicants, natural or legal persons of Romanian or foreign nationality, who satisfy the economic, legal and moral conditions compatible with the activity of interposition in the exchange of goods and services [9].

### **Prerequisites for Market Access**

This requires the registration in the business register by any economic operator. Obtaining the registration, which confers opposability vis-à-vis third parties to the trader entered in the register, is the final moment of preparatory steps, depending on the quality of the economic operator concerned, for the purpose presented, in all cases, an administrative authorization, issued by the city halls, being also required [10].

The carrying out of the current economic activity by any subject of the legal relationship of competition, of Romanian or foreign nationality, is subordinated, first, to the obligation to ensure to their own employees the necessary protection of life and health against possible accidents at work. The corresponding regime is based on the Methodological Norms on the authorization of the operation of the units from the point of view of labor protection, approved by Order no. 104/1991 of the Department of Labor Protection, published in M. Of. No. 172 of 22 July 1992. The necessary authorizations are issued by the territorial state inspectorates for labor protection [11]. Economic operators of Romanian or foreign nationality are obliged to



rules, which imply regulations derogating from the common law, in order to be able to carry out lucrative activities, thus becoming subjects of the legal relationship of competition, called free zones, on the territory of which they benefit from a rich variety of facilities. If unfair or monopolistic practices are used, economic agents can result in the loss of customers, resulting in huge losses on the market [12].

## **Market Power**

### **Market Dominance by a Single Firm**

If it is not a legal monopoly, the Court will examine two times of evidence to determine whether a company has market power: the market share held by the undertaking and whether other factors serve to increase dominance. We must, however, note from the outset that the test of dominance has been criticised. Example: it is possible for a company to act to a large extent independently of its customers, consumers and competitors. An undertaking with a legal monopoly may be dominant within the meaning of Article 82. The granting of a statutory monopoly confers on us immunity from Community competition law, subject to Article 86(2) [13].

### **Common Domination**

So far, the discussion has been based on the premise that a company occupies a dominant position within the market. Article 82 talks about the abuse of a dominant position by one or more undertakings, it being clear that it covers the situation exemplified by Continental Can and Commercial Solvents, in which the dominant position is held by companies that are part of the same corporate group or economic unit.

### **Abuse**

An undertaking will be convicted only if it has abused its dominant position. The list of abusive practices in Article 82 is not exhaustive; the practices specified are only examples of abuse. There are three important aspects of interpretation when examining the meaning of the notion of “abuse”. The first issue is who article 82 intends to protect, the second aspect concerns the types of conduct as abusive, and the third is “abuse on which market?” [14].

### **Abuse of a Dominant Position on the Competitive Market**

Since the beginning of the twentieth century, competition regulations have sought to strike a balance between the economic benefits generated by collaboration between firms and the political and economic risks it entails. According to Community rules, competition policy is not private as an end in itself, but as a necessary condition for the completion of the internal market. Abuse of a dominant position is found in the conduct of an undertaking in such a position where its actions have an anti-competitive effect. Abuse can manifest itself in the market in which that firm operates, but sometimes also in a different market from it. In the latter case, the situation will also be interpreted as an abuse of a dominant position, but only if the two markets are linked together (e.g. where consumers in one market are also actual or potential consumers in the other market). Aimed at protecting the free market, we are also referring to the control of the trade balance, by protecting the weaker party, even if, in this case, civil legal certainty would be called into question based on respect for the contract [15].

Anti-competitive business practices (including the unfair exploitation of customers or the elimination of competitors) in which a dominant firm may engage in order to maintain or

strengthen its position in the market. Competition law prohibits this type of conduct, as it affects true competition between firms, exploits / harms customers and exempts the undertaking in a dominant position from entering into real competition with other firms. Article 82 of the EC Treaty sets out some examples of abuse, such as the charging of unfair prices, the restriction of production capacity and the imposition of unequal or unnecessary trading conditions in relations with trading partners [16].

In principle, having a dominant position on the market is not condemned, but if an undertaking uses its power to stifle competition, it is an anti-competitive practice, qualified as an abuse. An undertaking has a dominant position where its economic power enables it to operate on the market without considering the reaction of its competitors, intermediate and final consumers. As a result, such an undertaking may abuse its dominant position to increase its revenues and strengthen its position on the market, both by weakening or eliminating competitors and by prohibiting new competitors from entering the market [17].

## Conclusions

By studying the market [18] concept, in the European Competition Law, equality of opportunity is based on ensuring the full participation of each person in economic and social life, without distinction of ethnic origin, sex, religion, age, disability or sexual orientation. The advantages that justify the importance of a competitive market stimulate increased productivity and the overall standard of living. With competition being more intense, consumers benefit from lower and more acceptable prices, as well as from a greater variety of higher quality goods, unless we have unfair competition on the market that leads to abuse of a dominant position in the competitive market. It allows a large series production, which leads to a decrease in production costs, and this can help to optimize capital investments and finally allows for a more rational and efficient use of labor.

Competition is a phenomenon that is particularly important for the health of an economy, as it generates reasons for market players to always improve their supply and meet the needs of the consumer to a greater degree. Competition is a permanent struggle, in which economic interests prevail and which always ends with losers and winners, each enterprise must know well the structure and intensity of competition, the causes of competitors' success, the forms in which it manifests itself, to assess on this basis its chances of survival, referring to reality and adopting the most appropriate competitive strategies.

## REFERENCES

- [1] See Căpățină O. (1998). Law of commercial competition – general part, Second Edition, pp. 366-367.
- [2] See Căpățină O. (1998). Law of commercial competition – general part, Second Edition, p. 371.
- [3] See Craig P., De Burca G. (2009). European Union law, Commentaries, case-law and doctrine, Hamangiu Publishing House, p. 1256.
- [4] See Craig P., De Burca G. (2009). European Union law, Commentaries, case-law and doctrine, Hamangiu Publishing House, p. 1257.
- [5] Ditto, p. 1257.
- [6] See Craig P., De Burca G. (2009). European Union law, Commentaries, case-law and doctrine, Hamangiu Publishing House, p. 1260.
- [7] See Căpățină O. (1998). Law of commercial competition – general part, Second Edition, pp. 383-384
- [8] See Craig P., De Burca G. (2009). European Union law, Commentaries, case-law and doctrine, Hamangiu Publishing House, p. 1261.
- [9] See Căpățină O. (1992). Dreptul concurenței comerciale-Concurs honestă, Editura Lumina lex, București, p. 146.
- [10] See Căpățină O. (1992). Dreptul concurenței comerciale-Concurs honestă, Editura Lumina lex, București, p. 146.

- [11] See Căpățină O. (1992). *Dreptul concurenței comercială-Concurs honestă*, Editura Lumina lex, București, p. 144-145.
- [12] See Căpățină O. (1992). *Dreptul concurenței comercială-Concurs honestă*, Editura Lumina lex, București, p. 144.
- [13] See Craig P., De Burca G. (2009). *European Union law, Commentaries, case-law and doctrine*, Hamangiu Publishing House, pp. 1263-1264.
- [14] See Craig P., De Burca G. (2009). *European Union law, Commentaries, case-law and doctrine*, Hamangiu Publishing House, pp. 1268 to 1274.
- [15] See Negrescu D., Oprescu, Gh. (2004). *Competition Protection Policy, Romanian Centre for European Policies*, Bucharest, p. 11.
- [16] See, <https://competitionrules.eu/glosar/abuz-de-pozitie-dominanta/>, accessed on 03.11.2022, 18:35
- [17] See Negrescu D., Oprescu Gh. (2004). *Competition Protection Policy, Romanian Centre for European Policies*, Bucharest, p. 17.
- [18] Finally, we emphasize that the market at the European Union level is in a continuous transformation, and the legislation is updated accordingly. For details, see Toncean Luieran Ioana Raluca (2022), *Digital formation of companies by Directive 2019/1151 amending directive (EU) 2017/1132 as regards the use of digital tools and processes in company law*, în *Journal of Romanian Literary Studies* is submitted for indexation in the ERIH-PLUS European Reference Index for the Humanities and Social Sciences, Editura Arhipelag XXI Press, Târgu Mureș, pp. 703-705.

## Union Policy, State Aid and Other Perspectives

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### Abstract

Perspective. Perspective brings together the totality of the ideals of the perceiver, when and how he perceives them, according to his experience, the knowledge he holds, a possible sixth sense; it is often materialized in the belief of this receiver that a cause has a certain effect. This first concept often has subjective implications, left to the free interpretation of the public in the broad sense, where, if necessary, it will materialize in a common set of ideals, common perceptions of a specific area of life, possible objectives and perhaps even, facts that complete this cycle of change, the transformation of the social or even simpler: the evolution of the human being. From one perspective, this kind of thinking led to the birth of the European Union.

*Keywords: European Union, perspective, concept, ideal*

### Introduction

The European Union has come to its present position thanks to forces, which we can call decisions, consequent actions, or even ideals set in motion; all of this being of human origin, we can only recall some of the most imposing forms of action that have become, over time, a rule in the matter.

These forms of action can take different forms. It can be said, yes, that on many of these occasions, when talking about a dream come true, it all started from the right ideology. Yes, at the same time, I prefer to believe that everything, often starts from the right man. Next,

I will recall three personalities who, in my view, led to the idea of a united Europe.

“In the first half of the 20th century, marked by the two World Wars, the movement to unify Europe was not given up. Especially after the first World War, the projects of European unity are starting to be more and more intense. Thus, the League of Nations was established, a governmental organization with the purpose of maintaining world peace, but which failed to achieve its intended goal, as proof of the outbreak of World War II. Even in this context, the idea of European unity is promoted at the highest level” [1].

Richard von Coudenhove-Kalergi was a pioneer for European integration, a leading activist for the unification of Europe and founding president for the pan-European Union for 49 years [2]. “Pan-European Union is the oldest movement to unify Europe” [3]. By the manifesto of Count Richard von Coudenhove-Kalergi, called Paneuropa, this union was born [3] and will be known as the oldest movement to unify what we know today as the European Union. He founded the European Parliamentary Union in June 1947 [4].

The second major figure in the history of the European Union is Altiero Spinelli. He is considered one of the founding fathers of the European Union [5]. “Until his death, he was a member of the European Commission for six years, a member of the European Parliament for 10 years until his death.” [5] Together with a group of activists in Milan 1943, he founded the European Federalist movement [4], which led to “the propagation of European integration” [4].

Also in 1943, Winston Churchill called a “post-war” meeting under the leadership of the Council of Europe.[4] Also, in 1946, a meeting was convened through the European Federalist Union, at his request, where the main subject would be “the United States of Europe.” [4]

Trying history with the finger, we will find that there were various treaties that regulated and led to the functioning of the European Union; the so-called European Union (EU) law is based on and is represented by the Treaty on the Functioning of the European Union (TFEU) and Treaty on European Union (TEU)[6]; The first, originating in the Treaty of Rome, which established the European Economic Community (EEC), European Communities (EC)[7], is also the main document governing State aid. The second document is the current form of the Treaty of Lisbon (2007), which was based on the Treaty of Maastricht (1992).[8]

Part one, Title I of the TFEU, Article 6 introduces us to state aid. According to it, “the Union is competent to carry out actions to support, coordinate or supplement the action of the Member States ...” [9].

The framework rules are contained in Articles 107 and 108 TFEU, which regulate state aid at Community level [10]; we also find “a rich secondary legislation, generated by the European Council's ability to address any regulation necessary for the application of the above-mentioned framework rules” [11].

State aid has been defined in a succinct form as state intervention in the economy [12]. Art. 107 paragraph 1 of the TFEU, on the other hand, considers that State aid constitutes “aid granted by or through State resources in any form whatsoever which distorts or threatens to distort competition by favoring certain undertakings or the production of certain goods ..., to the extent that they affect trade between member states” [13].

## **State Aid: Scenario 5 – Perspective**

### ***State Aid Report – Scenario 5***

State aid is, in my view, that coefficient having economic strength and value: “Invited”. Before proceeding to the conditions for obtaining state aid at Community level or to its manifestation in concrete, I would like to make a brief, even philosophical, statement on the concept.

In my opinion, the concept is extravagant, like any concept that has its foundation in a humanistic ideology, in fact. I believe, therefore, that from humanism everything started, and it will start from now on. I will not go into aphorisms or into details about the right means of creating something, based on the principle, just that: When you start from this premise, you have to take into account all the variables that define the human being at that time of the “survey”, better said, at that time when you get an idea and want to implement it, considering all of these above-mentioned variables and how, through which of them you can reach the desired result. If one of those variables, “in my humble opinion”, represents extravagance, regarded as a characteristic of modern man, in the plane of evolution, etc., then one of the characteristics of the concept of “humanism” will also have “extravagance”.

Secondly, I consider the concept of state aid to be an artistic one. Leaving aside the definition of these notions and overlooking the various controversies in this field, based on pure logical interpretation, I believe that “artist” is not only the one who creates art, but also the one who gives way to another for art to be created.

Finally, I believe that state aid is charity and progress. We will see in the following lines that this concept, as well as its implementation, leads to the implementation of five scenarios for Europe by 2025. One of these scenarios: Scenario 5, I will analyze it compared to the concept presented.

“In order to fall within one of the 26 categories covered by the GBER – the General Block exemption Regulation [14], aid must meet certain conditions so as to ensure that it will lead to new activities that would otherwise not have been carried out and will also promote, economic development without excessively distorting competition” [14].

“Where these conditions are met, aid may be granted immediately by the Member State without prior notification to the Commission. Member States only need to inform the Commission – using a simple factsheet – and only after the aid has been granted” [14].

The Regulation applies to ‘transparent’ forms of aid, namely interest rate subsidies and subsidies, loans for which the gross grant equivalent takes into account the reference rate, guarantee schemes, tax measures (with a cap) and certain types of repayable advances [14].

The main categories of State aid, as listed in [15], are: Regional aid in which we find regional investment and employment aid and aid for newly created small enterprises; Aid to SMEs for investment and employment, i.e. investment and employment aid to SMEs; aid for women's entrepreneurial activity: Aid to small enterprises newly created by women entrepreneurs and environmental aid including investment aid that allows companies to apply environmental standards stricter than Community standards or to improve the level of environmental protection in the absence of Community standards, Aid for the purchase of new transport vehicles that meet stricter than Community standards or improve the level of environmental protection in the absence of Community standards, aid for SMEs to adapt early to future Community standards, environmental aid for investment in energy-saving measures, environmental aid for investments in high-efficiency cogeneration, environmental aid for investment in promoting the production of energy from renewable energy sources, aid for environmental studies and aid in the form of reductions in environmental taxes.

We then identify aid for advice to SMEs and for participation of SMEs in fairs: Aid for advice to SMEs; aid for participation of SMEs in fairs; aid in the form of venture capital: Aid in the form of venture capital; aid for research and development and innovation: Aid for research and development projects; aid for feasibility studies; Aid for the cover-up of the industrial property reptiles of SMEs; aid for research and development in the agricultural and fisheries sector; aid for innovative start-ups; aid for innovation advisory services and innovation support services; aid for the hire of highly qualified staff; aid for training: Training aid; aid for disadvantaged and disabled workers: aid for the employment of disadvantaged workers in the form of wage subsidies, aid for the employment of disabled workers in the form of wage subsidies, aid for the support of additional costs arising from the employment of disabled workers.

For various common provisions and final provisions in the field of State aid, see the Official Journal of the European Union: commission Regulation (EC) No 800/2008 of 6 August 2008.

Passing on these preliminary remarks, which are introductory to State aid, an analysis of this concept also follows from the point of view of a scenario (scenario 5) in the White Paper on the future of Europe. There are 5 scenarios indicated in this document, namely: Scenario 1 “continuing along the same path”; scenario 2 “Single market focus only”; scenario 3 “those who want more, do more”; scenario 4 “less but more efficiently”; scenario 5 “much more together”.

All these 5 scenarios are European Union guidelines and therefore must be taken as such. They, starting from the premise of a developing Europe and actively contributing to the progress and support of the Member States, become a goal in this matter and more, a benchmark for the evolution of the European Union.

For each scenario, “it is assumed that the 27 Member States are moving forward together as a Union” [16].

Next, I will take this analysis (going over the first four scenarios), the lamp in which this latter scenario can influence the evolution in what the European Union could represent, how state aid contributes and finally, short conclusions of this title.

From the point of view of the 5th scenario, it advances the idea, in principle, that the 27 members can support each other through the European Union by pooling their powers, resources and decision-making processes in all areas [16]. This orientation toward supporting the Member States, seen as an inner support, clearly shows the increased interest in bringing these States to a point that benefits them more, and in the same way that they do not have the right to support them. It further promotes the joining of other states to the European Union by representing the latter on a United front. Because of the existence of scenario 5, as well as of all other scenarios, the degree of the European Union's readiness to join the Member States in a set of common values, the orientation of citizens toward honor, human dignity, and well-defined principles results, moreover, in the development of the European Union. It shows us that any of us can choose and choose, all right". Much more together" is an appeal to both Member States and non-Member States, a call that can only be answered by accepting states (and in an active way) a set of principles, ideals that can lead to both progress (long/short term), and when new objectives appear, which in turn provide continuity to the above mentioned. The following lines clarify the intentions of this/these indicative scenario(s): "Changes can be inevitable in any area, but what we want from life and the European values we cherish remains unchanged. We want a society where peace, freedom, tolerance, and solidarity are above all else. We want to live in a democracy where there is a diversity of views and a critical, independent, and free press. We want to be free to express our opinion and have the certainty that no person or institution is above the law. We want a Union that treats all citizens and all Member States equally. We want to make our children a better life than we had" [18].

### *A Perspective*

In the above mentioned, I have presented some of the subjective points of view of this scenario 5, but how does the state aid contribute / contributed to the given orientation, when did it take shape and is it correct to say that "its usefulness increases with the stabilization of the pillars of the European Union"?

As I mentioned, state aid is based on the Treaty of Rome. On 25 March 1957, two treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC or EURATOM) were signed in Rome. The Treaties entered into force on 1 January 1958 [19].

The European Economic Community had a primary objective, in establishing a common market [20]; relying on four essential freedoms: Capital, services, goods and people [20], along with other policies [20], the EEC strategy for today's Europe is being restored.

From the point of view of the work cited [20], the following principles form the basis of the Community:

Elimination of customs barriers:

- Creating a common customs tariff
- The organization of a good functioning of the competition

Approximation of national laws

- Establishment of special funds and an investment bank
- Association with other countries with the objectives of the Community

Abolition of all obstacles to free movement

Returning to One of the problems that I would like to address, namely that of the utility of state aid that increases with the foundation of the pillars of the European Union? When the European Union receives the proposed guidance and Member States lead a life of maximum

effectiveness, will these state aid still be of use? Theoretically, if the Member States develop so much that the European Union has nothing to offer them, the answer would be no, to both questions. But is that right?

“Much more together”, in my view, represents cooperation between Member States in implementing decisions at European level, preventing negative scenarios at European Union and Member State level, even combating these latter scenarios in their existing forms. To say that the European Union is reaching the final point of its own evolution is, in my opinion, like to say that the universe is finite, despite all scientific milestones. The European Union has not always existed, but has been brought into existence gradually, by various personalities, voices of the population. So, we can say that what comes from man, being a subject of the universe/creation, can also receive value of “infinity”.

Going over this series of arguments and going back to my main question, I believe that yes, one can reach a point where the European Union's “conscience” no longer allows access to various ways of contributing to the formation of the Member States, as before, but there will always be, Various and new directions of the European Union, perhaps even documented scenarios, depending on the new needs of the population of the Member States State aid is precisely the way in which this need of the population is fulfilled, and also by creating new directions.

Finally, as in any other field of activity involving a certain type of control over the result in progress, we must consider the good relationship between coordination and organization. One of the most important variables when it comes to this relationship is the control of state aid.

## Conclusions

In the conclusions of this article, I mention that the state aid granted by the European Union is a step toward the implementation of some scenarios, it helps to outline new directions or even forward-looking directions, on the already existing directions.

State aid is not only progress in terms of opportunities created by the European Union, but also as an opportunity created for various businesses and not only as an alternative path.

Why do I say alternative? Because the European Union gives us this opportunity to choose to reserve this right, to apply for these funds and yes, to succeed on this path of success. Of course, State aid control must not be omitted and yes, keeping a project's efficiency to its full potential is difficult, but not impossible. It matters, I think, most the dedication and control of the context in which you are, though not totally, to the complete. State aid, from my point of view, is that step you can step on to the upper floor, but only if you have balance, of course.

## REFERENCES

- [1] Cătană E.L., Toncean-Luieran I.R., European Union Law: History, institutions, sources, Fundamental Rights, Pro Universitaria Publishing House, pg. 19-20.
- [2] [https://en.wikipedia.org/wiki/Richard\\_von\\_Coudenhove-Kalergi#Views\\_on\\_race\\_and\\_religion](https://en.wikipedia.org/wiki/Richard_von_Coudenhove-Kalergi#Views_on_race_and_religion)
- [3] [https://en.wikipedia.org/wiki/Pan-European\\_Union](https://en.wikipedia.org/wiki/Pan-European_Union)
- [4] [https://en.wikipedia.org/wiki/European\\_Union](https://en.wikipedia.org/wiki/European_Union)
- [5] [https://en.wikipedia.org/wiki/Altiero\\_Spinelli#Honors](https://en.wikipedia.org/wiki/Altiero_Spinelli#Honors)
- [6] [https://uk.practicallaw.thomsonreuters.com/2-107-6192?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/2-107-6192?transitionType=Default&contextData=(sc.Default)&firstPage=true)
- [7] [https://en.wikipedia.org/wiki/Treaty\\_on\\_the\\_Functioning\\_of\\_the\\_European\\_Union](https://en.wikipedia.org/wiki/Treaty_on_the_Functioning_of_the_European_Union)
- [8] [https://en.wikipedia.org/wiki/Treaty\\_on\\_European\\_Union](https://en.wikipedia.org/wiki/Treaty_on_European_Union)
- [9] Treaty on the Functioning of the EU, part one, Title I, Article 6.
- [10] Gheorghiu G., Nita M., Competition Law, 2nd Edition, amended and supplemented, The legal universe, pg. 167.
- [11] *op. cit.* [10], pg. 168.
- [12] *op. cit.* [10], pg. 165.



[13] *op. cit.* [9], part three, Title VII, Chapter 1, Section 2, article 107.

[14] EU State aid policy: General Block exemption Regulation.

[15] Official Journal of the European Union: commission Regulation (EC) No 800/2008 of 6 August 2008.

[16] White Paper on the future of Europe, 3. Five scenarios for Europe by 2025.

[17] *op. cit.* [16], 4. The way forward.

[18] *op. cit.* [1], pg. 25.

[19] *op. cit.* [1], pg. 26.

## The Necessity of Economic Concentrations Control

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### Abstract

This paper aims to deal with the issue of economic concentration. Economic concentrations being defined as that situation in which a few economic operators hold a high percentage of economic activity on a given market level, expressed by the figure of sales of assets or labor force.

It also touches on the issue of their regulation, as well as the ways of keeping these economic concentrations under control.

*Keywords: economic concentrations, control, competition*

The term *concentrations* was introduced by Regulation (EEC) no. 4064/89 of the Council of December 21, 1989 regarding the control of economic concentrations between economic agents. This Regulation (CEE) no. 4064/89 was replaced by Regulation (EC) no. 139/2004 of the Council of January 20, 2004, regarding the control of economic concentrations between enterprises.

Regulation (EC) no. 139/2004 does not define economic concentration, it only provides elements with the help of which a definition of economic concentration can be sketched.

Similarly, to Romanian legislation, Law no. 21/1996 in chapter XII dedicated to economic concentrations, only regulates the operations that are or are not considered economic concentrations, as well as the conditions for notification and submission to the control of the Competition Council.

Economic concentration, we can define as – the situation when several economic operators hold a high percentage of the economic activity on a level of the market, expressed by the figure of sales, assets or by the engaged labor force.

The policy in the field of competition, at the beginning of the formation of the European community, was dominated by the policy regarding restrictive practices (regarding cartels), thus the control of economic concentrations was neglected. The increase in takeovers of European companies by American ones emphasized the need to develop a common industrial policy that began to take shape at the end of the 1960s, but without reaching a consensus, yet nevertheless, memoranda on industrial concentrations were adopted (1965), of industrial policy (1970) and in the field of science and technology (1970) [1]. These issues were central to the European legislature in the years to come, but without notable effects. The economic and political evolution highlighted the cross-border problems and the legal and administrative barriers between the member countries, showing the need for a single control at the community level. The decisions of the European Court of Justice pointed in the same direction, indicating the need for control over economic mergers. Thus, the first Regulation on the control of concentration operations between enterprises was drawn up - EEC Regulation 4064/1989 - and adopted at the end of 1989. After the adoption of EEC Regulation 4064/1989, the Commission could analyze concentrations, before completion, being able to calculate in due time, their

compatibility with the European market. To better understand the need to control economic concentrations, we must also know the mechanism of economic concentrations [2].

As described in art. 3 of (EC) Regulation no. 139/2004 - Regulation that replaced Regulation 4064/1989 - and art. 10 paragraph 1 of the Competition Law, we can talk about economic concentration in two cases:

A) in the case of the merger of two or more previously independent enterprises or parts of enterprises

B) in the case of the acquisition, by one or more persons who already control at least one enterprise or by one or more enterprises, either through the purchase of real estate or assets, or by contract or other means, of direct or indirect control over one or more enterprises or parts of them.

So, the economic concentration is the totality of the operations that change the control of the companies and as a natural consequence the structure of the market, they can also lead to the creation of a new joint venture, which functions as an autonomous entity. Imperatively, the consequences of this operation must be lasting, not transitory or for a short period of time [3].

In many cases several operations follow one another in this way, it becomes difficult to determine whether each operation can be considered economic concentration, in part or as a unitary whole. If an enterprise buys another enterprise but the acquisition is made with the aim of reselling it in the shortest possible time, in this case we cannot speak of an economic concentration [4]. Thus, even the period of one year cannot be considered as a long time [5].

By their nature, these enterprises carry out economic activities, which naturally aim to obtain profits from these associations/mergers. These interests are individual interests of the companies involved or of the shareholders, but which can harm and negatively affect the public interest, being able to raise obstacles to effective competition, with the possibility of reaching monopoly situations, or situations in which certain enterprises simply disappear and their employees to remain without jobs [6].

Therefore, they must also obey certain laws, especially the Competition Law (Law no. 21 of 1996). As a result, there is also a need for an exhaustive control of the constitution, organization, and operation of economic concentrations, in order to comply with the provisions of the legislation in force [7].

The procedures undertaken in this regard, have the role of following in particular the prohibition, limitation or non-authorization of a concentration operation, even before its establishment (*a priori* control), if deviations from the law are found. However, competition authorities can also intervene in situations of price increases resulting from the emergence of a monopoly situation, in situations affecting the functioning of the internal market, negatively affecting the competitive structure of the market, or in other situations where consumers' interests are affected [7].

The control, however, must be a realistic one, not only with a coercive role, because in most situations, these economic concentrations theoretically bring benefits, both qualitative and quantitative, through:

- increasing labor productivity, streamlining economic activities, reducing certain expenses;
- implementation of innovative technologies;
- creation of new facilities and new jobs;
- enhancing the value of a certain disadvantaged area;
- rescuing certain businesses in difficulty;
- facilitating the integration of markets, in the case of those with a cross-border nature at the level of the European Union;
- bringing added value by itself, which also generates additional taxes to local/national budgets [7].

Following the control, the European Commission will balance the negative and positive effects, both in qualitative and quantitative terms, when this can be achieved, it will compensate them as much as possible, and at the end will make a global assessment of its impact.

This type of control, which is external, not from within the associated companies, is regulated in our country, by internal provisions, but with increasingly significant influences from European law, the latter also having priority over national law regulations, due to its superior legal force.

Thus, in domestic law, regulations regarding the control of economic concentrations, we find in:

- Competition Law no. 21/1996, republished (August 16, 2005) in chapter III – Economic concentrations;

- Order no. 385/2010 of December 22, 2011 for the amendment and completion of the Regulation on economic concentrations;

The regulations from European law can be found in:

- White Paper (Brussels, 9 July 2014).

From a procedural point of view, the control of concentrations is carried out identically at the national level as well as at the level of the European Community. It involves going through several procedural stages, the first of which is that of notifying the competent authority on economic concentration operations. In this sense, the existing competitive relationship between the companies, the competitive constraints of those concerned, the definition of the market, the calculation of market shares, information that is sufficient to establish the compatibility of the operation with competition law, thus deciding whether to initiate or not to initiate the control, is identified [7].

The notification is an obligation of the parties involved in the concentration operation and is carried out even before its implementation. Thus, among the persons authorized for this procedure are the parties to the merger, those who have acquired joint control, or the person / enterprise that takes control over one or more enterprises or over a part of one or more enterprises [8].

The content and form of the notification are established both at Community and national level, the information provided must be accurate and complete, otherwise the competition authority has the right to request the necessary additions. The notification becomes effective on the date it was registered with the competition authority, except in cases where it is found that the information contained therein is incomplete [9].

If the economic concentration has a national dimension, it is to be addressed only to the Romanian Competition Council, and if it has a community dimension, notifications will have to be addressed to the European Commission, according to the one-stop shop principle [10]. This principle was established by Regulation no. 4064/1989, thereby eliminating the control of concentration operations, at the same time, according to the Union provisions, respectively the national rules of one or more member states [11]. According to his principle, the negative effects that would arise from subjecting the same operation to several analyses are avoided, according to different provisions [12].

However, there are also some exceptions to the one-stop shop principle, in the situation where it is about ensuring the protection of the legitimate interests of a member state (e.g. public security), in which case the application of the law of the respective state and not of the European Commission is allowed; the situation in which the case is referred to several Member States, which operates when, although the concentration is of Community dimension, it concerns a distinct national market; or the situation where the concentration operation is analyzed by the Commission, although it does not have Union dimensions, when it could affect trade between Member States [13].

The first phase of the procedure is completed with a preliminary decision, which lasts a maximum of 25 working days from the date of receipt of the notification, the exception being the situation in which the Commission was notified of a request to refer a member state or an offer of commitments of the parties, in this case, lasting a maximum of 35 working days. After studying the application, the European Commission can draw the following conclusions regarding the concentration operation: it does not fall under the scope of EC Regulation no. 139/2004; it falls under the scope of the Regulation, but there are no doubts regarding its compatibility with the internal market, thus being declared compatible with the internal market; it raises doubts about compatibility with the internal market [14].

In this last situation, the second phase of the procedure is followed - that of official investigations, which will be completed by adopting one of the following decisions regarding the proposed economic concentration operation: it is compatible with the internal market (authorization decision); it is compatible with the internal market, but under certain conditions (conditional authorization decision); or it is incompatible with the internal market [15].

The adoption of this decision must take place within a maximum period of 90 working days from the starting date of the second phase of the procedure, with the possibility of an extension of another 15 working days if the respective enterprises propose commitments to be compatible with internal market [16].

The Commission can base its final decision only on the objections that have been addressed to the parties that made the notification, in writing and on which the parties were able to formulate their observations. Before any decision is taken, the Commission will have to consult an advisory committee on concentrations between enterprises [17].

For merger operations that normally do not raise competition evidence, the European Commission has also provided for a simplified procedure. This refers to situations in which there is a merger between companies that will not cross internal borders, or that will not establish a monopoly [18].

In exceptional cases, the Commission can offer, at the motivated request of the parties, to grant a derogation from the obligation to suspend the concentration. In this case, the Commission must consider the effects that the suspension would have on one or more enterprises involved in the concentration operation or on a third party and the threat that the concentration may present to competition. This derogation may be accompanied by some conditions. The waiver request may be made and granted at any time, prior to notification or after the transaction [19].

The validity of a concentration implemented before it has been declared compatible with the internal market will depend on the final decision of the Commission regarding the declaration of this compatibility [20].

Each institution with attributes to control economic concentration operations has its well-established role. The most important role in this regard is held by the Commission, which has the role of conducting preliminary research regarding the compatibility of operations with the internal market. In this sense, it can ask for additional documents, even financial ones, it can start local inspections, before making decisions on compatibility. At the same time, the Commission also has the obligation to hear the parties, to obtain their justifications and statements [21].

It also has the power to impose administrative fines and to impose interim measures to prevent damage to competitors, provided that these measures meet the criterion of necessity and proportionality [22].

In this field of economic concentrations, the national authorities have the role of analyzing the concentration operations that fall to them at the national level and to collaborate with the European Commission, in the situations provided by the legislator, which also results from the one-stop shop principle [23].

In the concentrations control process, the courts of the European Union also have some roles, including that of verifying the legality of the Commission's decisions, cancelling a sanction imposed by the Commission, when appropriate, and imposing sanctions on the Commission [24].

## Conclusions

The purpose of controlling economic concentrations is to prevent the creation of a monopoly, to block the possibility of economic agents, to occupy dominant positions on the market [25]. As we have seen, it is necessary to control economic concentration operations, because otherwise they can negatively affect the interests of the Community, of a geographical area, or of some enterprises.

These controls are regulated by the Legislation of the member countries of the European Union, as well as the Regulations of the European Commission. In order not to overlap and give different conclusions, the control of economic concentrations is carried out on the one stop shop principle. Just as economic concentrations - so - their control, the decisions of the Commission are subject to legality by the courts of the European Union.

## REFERENCES

- [1] Memorandum on the issue of concentrations within the common market - published by the EEC Commission in 1966 - marking a reference point in the attitude of this institution
- [2] Regulation on the control of concentration operations between enterprises - EEC Regulation no. 4064/1989 <https://eur-lex.europa.eu>
- [3] TPICI, May 19, 1994, Air France vs. Commission, case T2/93, Culerere p. II-327, pt.70
- [4] Coman, G. – Competition in domestic and international law <http://avocatcoman.ro/category/concurenta-in-dreptul-intern-si-european/>
- [5] The consolidated jurisdictional communication of the Commission within the term of Council Regulation (EC) no. 139/2004 on the control of economic concentrations between enterprises, hereinafter referred to as the Jurisdictional communication of 2007 pt. 28 et seq.
- [6] Craig P., De Burca G. (2015), EU Law: Text, Cases and Materials, 5th ed., Ed. Oxford University Press, Oxford
- [7] Lazăr I. (2016), – European Union law in the field of competition, Ed. Universul Juridic, Bucuresti, pp. 306-308
- [8] Art. 4 paragraph 2 of (EC) Regulation no. 139/2004
- [9] *Ibidem*, art 10 paragraph 1
- [10] *Ibidem*, art. 4 paragraph 1
- [11] Kekelekis MP. (2006), The European Commission's Jurisdiction to Scrutinize Mergers, ed. 3rd, Ed. Kluwer Law International, The Hague, p. 6
- [12] Art. 21 paragraph 4 of (EC) Regulation no. 139/2004
- [13] Art. 6 paragraph b of (EC) Regulation no. 139/2004
- [14] *Ibidem* art. 6 paragraph c
- [15] Broberg M.P. (2006), The European Commission`s Jurisdiction to Scrutinise Mergers, Ed.Kluwer Law International, Alphen aan den Rijn,
- [16] Art. 19 paragraph 3 of (EC) Regulation no. 139/2004
- [17] Art. 5 of the Commission Communication regarding a simplified procedure for the analysis of certain concentrations pursuant to (EC) Regulation no. 139/2004
- [18] Art. 7 paragraph 3 of (EC) Regulation no. 139/2004
- [19] *Ibidem*, art. 7 paragraph 4
- [20] *Ibidem*, art. 13
- [21] *Ibidem*, art.14 and art.15
- [22] *Ibidem*., art. 12
- [23] *Ibidem*, art. 16
- [24] In addition, the legislation of the European Union is in continuous adaptation to market conditions in close connection with the requirements in the field. For details, see Toncean Luieran Ioana Raluca (2022), *Digital formation of companies by Directive 2019/1151 amending directive (EU) 2017/1132 as regards the use of digital tools and processes in company law*, în Journal of Romanian Literary Studies is

submitted for indexation in the ERIH-PLUS European Reference Index for the Humanities and Social Sciences, Editura Arhipelag XXI Press, Târgu Mureş, pp. 703-705.

## Forms of Manifestation of Anti-Competitive Understandings

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### Abstract

The present work aims to deal with the issue of forms of manifestation of anticompetitive agreements, so in the first part of the work are presented some general aspects including definitions of anti-competitive behavior (illegal agreements, abuse of dominant position or abusively low or depredatory pricing practices) or anti-competitive structures, and in the second part a case study will be carried out highlight anti-competitive agreements.

*Keywords: enterprise, understandings, competition*

### Introductory Remarks

The protection of competition is of particular interest at the level of both national and European economies, which has faced and is facing the abuse of a dominant position, agreements, and anti-competitive concentrations. Competition means the possibility to choose from several alternatives of products or services offered [1].

The producer does not influence the market on its own but does so only through the competitive relations with other producers that always lead to a decrease in prices and implicitly the increase of the market by stimulating purchases [1].

Competition can be defined as the whole relationship between economic agents generated by their willingness to get the best possible place on the market and a more advantageous price [1].

Anti-competitive or monopolistic practices mainly affect consumers, as they have, as a direct consequence, the impossibility of procuring under conditions of freedom of choice the products and services they want, the increase in prices and the decrease in the quality of products and/or services. Under the conditions of competitive freedom, monopolism can be eliminated both through preventive and repressive measures [1].

### *Agreements Concluded by Economic Agents Themselves*

The notion of “agreements” cannot be understood in its broad sense because it would mean to include any kind of understanding, regardless of its purpose. Or “it is clear that the term implies a more precise content in competition law and can only refer to agreements and practices the object or effect of which would be anti-competitive” [2].

Agreements concluded between economic agents having as their object or effect the preservation, prevention or distortion of competition may be divided into horizontal agreements, in which case the contractors are at the same level of the economic process, for example the manufacturers of a like product or the distributors of similar goods, who make up the relevant market in question, that is to say, vertical agreements, which occur between



operators operating on different economic levels, producers on the other hand distributors and of goods or intermediaries and, on the other hand [2].

### ***Anti-Competitive Agreements***

The term explicitly refers, first, to any type of contract, within the meaning of civil law or commercial law, expressed or not by a document, by which the economic agents organize the market on which they intervene, as well as to any clause with such a content, included in any contract [3].

Competition law, however, extends beyond the classical legal rigors, also targeting anti-competition covered by arguments, promises, declarations of intentions, gentleman's agreement: it is sufficient for the parties consider themselves bound, even without the act in question being binding in the sense of civil law [3].

### ***Concerted Practices***

This notion implies the bringing together of specific objective and subjective elements, as well as with a negative condition. From an objective point of view, it is necessary to have, at a certain moment, a parallel and similar behavior of the economic agents concerned. However, the objective element, considered in isolation, does not in itself constitute an effectively concerted practice. On the subjective level, it is necessary for this parallel behavior to be observed with good diligence, thus deliberately by each interested enterprise, to achieve a common goal. Intentions must converge, lead to effective cooperation. Alignment with the Joint Action is usually achieved through the exchange of relevant information between the economic operators concerned and not by way of agreement between them [4].

It has been stated that Article 85 of the Treaty of Rome 'distinguishes the concept of concerted practices from that of agreements between undertakings or decisions of associations of undertakings, the distinction is intended to be capable of encompassing under the prohibitions of that article a form of coordination between undertakings which, without reaching the actual agreement, knowingly substitutes for the risks of competition practical cooperation between them [4].

### **Abuse of a Dominant Position**

Article 6 of Law 21 states: "it is forbidden to misuse a dominant position held by one or more economic agents on the Romanian market or on a substantial part of it, resorting to anti-competitive practices that have as their object or may have the effect of affecting trade or harming consumers".

Efficient business is carried out with the need to conquer the markets, to the point where truly strong positions can be established. Holding a dominant position is not wrong. This is the very result of the efficiency of the work carried out by the enterprises [5].

If, however, the enterprise uses its power to stifle its competition, this is an anti-competitive practice, qualified as abuse [5].

The Court of Justice of the European Communities has defined dominance as a "position of economic strength held by an undertaking which enables it to prevent effective competition from being maintained on the relevant market, thus giving it the power to behave independently of its competitors, its customers and ultimately consumers" [5]

## Case Study

In *T-Mobile, KPN, Orange and Vodafone Libertel, v Raad van bestuur van de Nederlands Mededingingsautoriteit* (the Netherlands competition authority's "NMa"), the object of which was to be infringed by the Law sand competition, namely art. 81 EC and Art. 6 para. (1).

In fact, a meeting was held on 13 June 2001 between representatives and mobile telecommunication service operators on the Dutch market. Cinches of operators had previously acquired their mobile networks in the Netherlands, and the entry into the mobile telecommunications market was only by co-opting with one or more of these. The provision of mobile telecommunications services consists of prepaid packages and subscriptions.

The main purpose of the above-mentioned meeting was to reduce the standard compensation for resellers and subscribers from 1 September 2001. In 2002, NMa found that T-Mobile, Orange, KPN and LibertelVodafone had concluded an agreement in which they had foreseen concerted practices. Since this agreement drastically restricts competition, which is prohibited by art. 6(1), NMa imposed fines on those undertakings. These companies have lodged a complaint against this decision by the NMa.

By decision of 27 September 2004, NMa declared that the pleas put forward by T-Mobile, KPN, Orange, LibertelVodafone were partly justified and found that the practice described in the decision of 30 December 2002 had infringed Article 81(1) EC.

Therefore, NMa maintains all fines imposed on the companies, reducing the amount of the fines.

T-Mobile, KPN, Orange, Vodafone and NMa challenged at the *College van Beroep voor het bedrijfsleven*, which must assess whether the concept of collaborative practice has been correctly interpreted in the light of the Court's consistent case-law on the matter.

In those circumstances, the *College van Beroep* decided to postpone the case and to refer the following questions to the court for a preliminary ruling:

(1) For the purposes of the application of Article 81(1) EC, what criteria must be used to assess whether concerted conduct is intended to prevent, restrict, or distort competition?

(2) Article 81 EC must be interpreted as meaning that, in the context of the application of that article by the national courts, the causal link between the conspiracy and the conduct of the market must be established and assessed in accordance with the rules of national law.

(3) For the purposes of the application of the concept of a concerted practice referred to in Article 81 EC, the presumption of causal link between concertation and conduct on the market always applies, even if it is an isolated fact and the participating operator continues to operate on the market, or that presumption does not apply only where concertation has been extended regularly and it's a long time?

### *About the First Question*

For assessing whether conduct has as its object or effect the prevention, restriction or distortion of competition, it is also applicable to an agreement, decision or concerted practice. Such a practice concerns a form of coordination between undertakings which, without having gone so far as to achieve a proper agreement, consciously substitutes the risks of competition for practical cooperation between them. Consequently, the exchange of information between competitors violates the competition rules on the functioning of the market, resulting in the restriction of competition between undertakings.

### *The Second Question*

The referring court asks whether, in the context of the analysis, the causal link between concertation and the conduct on the market of the undertakings participating in it, the link which is necessary to establish the existence of a concerted practice within the meaning of Article 81(1) EC. The concept of a concerted practice implies, in addition to concertation between undertakings, conduct on the market which gives rise to that concertation and a causal link between those two elements.

The Court considered that it must nevertheless be presumed, subject to proof to the contrary by the operators concerned, that the undertakings which participate in the concertation and remain active on the market take account of the exchange of information with their competitors to determine their own conduct on that market. This statement is even more true when the concertation takes place on a regular and long-lasting basis.

The Court concluded that such a concerted practice falls within the scope of Article 81(1) EC even in the absence of anti-competitive effects on the market.

### *The Third Question*

The court asks whether, for the purposes of applying the concepts of a concerted practice referred to in Article 81 EC, the presumption of causal relationship between concertation and conduct on the market always applies even if that concertation is based on only one meeting. The presumption of causality is applicable only where undertakings meet regularly, it must be interpreted as meaning that that presumption is stronger where undertakings have regularly concerted their conduct over a long period. Any other interpretation would lead to the conclusion that a single exchange of information between competitors could in no way result in concertation which infringes the competition rules. However, it is not excluded that a single meeting may be enough for companies to concert their behavior in the market.

For those reasons, the Court has stated:

- Concerted conduct has an anti-competitive objective within the meaning of Article 81(1) EC where, because of its content and having regard to the legal and economic context in which it falls, it is specifically capable of preventing, restricting, or distorting competition within the common market. There is no need to prevent, restrict or distort competition in a specific way, nor is it necessary to have a direct link between such concerted practices and consumer prices. The exchange of information between competitors has an anti-competitive purpose where it can eliminate uncertainties about the conduct envisaged by the undertakings concerned.

- In the context of the analysis of the causal link between the cooperation and conduct on the market of the undertakings concerned, which is the link necessary to establish the existence of a concerted practice within the meaning of Article 81(1) EC, the national court is obliged, subject to the proof to the contrary to be made, to apply the presumption of causality.

- In so far as the undertaking participating in the concertation remains active on the relevant market, the presumption of causal link between the concertation and its conduct on the market is applicative even if the concertation is based on only one meeting of the undertakings [4].

## Conclusions

Both anti-competitive and monopolistic practices primarily affect consumers and, given that their negative consequences include rising prices, on the one hand, and lowering the quality of the products concerned of services. Under conditions of free competition, monopolism can be eliminated through preventive measures and repressive measures. Preventive measures aimed at preventing the establishment of their monopoly structures (control and empowerment of economic concentrations), as well as repressive measures such as fines, confiscation of their profits or their income, various prohibitions aimed at sanctioning anticompetitive behavior.

According to European legislation, it is necessary to prevent companies from enjoying a dominant position in their field of activity, as abusing this position can be distorted by competition and thus to affect communication between communities.

## REFERENCES

- [1] Gabriel I., Gavrilă T. (2008). Competitiveness and competitive environment. Promoting and protecting competition in the European Union, Economic Publishing House, Bucharest.
- [2] Mihai E. (2004). Competition Law, ALL Beck Publishing House.
- [3] Căpățînă O. (1993). Commercial Competition Law, Publishing House LUMINA LEX, Bucharest.
- [4] Ungureanu D. (2010). European Union Law in the Field of Competition, C.H. Beck Publishing House, Bucharest;
- [5] [www.competition.ro](http://www.competition.ro)

# **The Dignity of the Human Being Through the Prism Internal Regulations and International**

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## **Abstract**

Human dignity plays a role of development of humans and protection against both state, and individuals. On the other hand, an objective analysis considers dignity (also called fundamental) as it transcends interests and leads to a restriction of personal freedoms for the benefit of the protection of the human being. As a principle of law, dignity is naturally at the origin of a legal rule; it is an original rule (prohibition of harming human dignity) and derived rules, which constitute specific expressions thereof. So, first, dignity is normative. But the principle of dignity also has a particular value because it is in the interest of public order and, in this capacity, human dignity is shaping up as a standard that allows to control itself. The right to dignity belongs to the category of those rights of the personality that “have an object that corresponds to generic notions of evocation, irreducible to a precise definition”.

*Keywords: human dignity, law, civil code, personality rights, dignity, the right to life, the right to health.*

## **General Aspects Regarding Personality Rights**

Under the name of personality rights are generally qualified, those rights inherent in the quality of a human person which belong to any individual by the fact of being a human being. These rights, which are also called fundamental or fundamental human rights, are prerogatives that can be described as subjective rights and are endowed with legal action [1]. These prerogatives belong to every person as a birthright. It can be argued that the core of personality rights are the fundamental human rights enshrined in the Universal Declaration of Human Rights. Closely related to personality rights are some freedoms whose legal nature is controversial. Some of these freedoms have a legal connotation, such as the case of freedom of conscience (which implies the freedom to join or not to a religious cult, the freedom of philosophical conceptions), the freedom of expression, the freedom of movement, and others do not - the freedom to marry or stay single, the freedom to choose friends, to dress, etc. To the extent that these freedoms are enshrined in domestic law or in international conventions, we consider them to be part of the rights of the person. Those that do not enjoy such a regulation are not true rights, but have the value of general principles of law, the force of which is customary, the question of their legal protection being posed when the judiciary is called to rule on the limitations [2].

## **Personal Rights in the Regulation of the New Civil Code**

The new Civil Code is the first normative act that imposes in Romanian law the notion of “personality rights” (the marginal title of art. 58 Civil Code is that of “personality rights”). From the multitude of personality rights, the existence of which was highlighted by the doctrine, the new Civil Code understood to regulate those listed in the first paragraph of art. 58. In order to

determine the rights of the personality and their content, the constitutional provisions, the Universal Declaration of Human Rights, the pacts and other treaties to which Romania is a party will have to be taken into account, such as, through a general reference to the regulation of the rights and freedoms of individuals, provides art. 4 C. civil.

The Charter regulates the following personality rights: the right to dignity (art. 1); the right to life (art. 2); the right to the integrity of the person, which includes, among others, the right to physical and mental integrity, the prohibition of eugenic practices, the patrimonialization of the human body or parts of it, and the reproductive cloning of human beings (art. 3); the prohibition of torture and inhuman or degrading punishment or treatment (art. 4); prohibition of slavery and forced labor (art. 5); the right to freedom and security (art. 6); respect for private and family life (art. 7); protection of personal data (art. 8); the right to marry and the right to found a family (art. 9); freedom of thought, conscience and religion (art. 10); freedom of expression and information (art. 11); freedom of assembly and association (art. 12); freedom of arts and sciences (art. 13); protection in case of removal, expulsion and extradition (art. 19); family life and professional life (art. 33). A particular position is occupied by the right to dispose of oneself, which, in essence, consists in the ability of the holder to consent to limitations of personality rights that can fall into either of the two categories mentioned above.

### **The Right to Life and the Right to Health**

Life is such a complex phenomenon that the legislator did not dare to define it. Therefore, we must accept that, in a very general sense, life is a biological and physical process whose opposite is death. The European Court of Human Rights (ECHR) has also decided that the regulation of the right to life by art. 2 of the Convention aims to ensure protection against death.

The holder of the right to life is only man, the only one who has a concrete existence and lives, not the legal person, the latter being only a creation of the legislator. With death, the person's legal personality ceases (his capacity for use), and the person in question ceases to be a person, therefore, to be the holder of rights and obligations, including the holder of the right to life.

### **The Right to Dignity**

Dignity is difficult to define, but in any case, it implies honor, good faith, and an unspoiled reputation. It is an innate attribute, honor, to which are added other attributes of an ethical nature, acquired during a person's life, which together form a person's reputation [3]. On the other hand, in relation to himself, dignity is a personal sense of moral worth determined by the appreciation that each man has of himself. The right to dignity is part of the category of those personality rights that "have an object that corresponds to generic notions of evocation, irreducible to a precise definition". The right to dignity can be violated by uttering insulting or insulting words, making unfounded accusations regarding alleged illegal or undignified acts committed by the holder (slander), committing actions that put the person, against his will, in ridiculous situations, presenting images showing the person in embarrassing situations (such as presenting the image of a person injured in an accident) and the like. Because the result of the actions that can affect the right to dignity consists in humiliating or degrading a person, this right cannot be limited by acts that were committed with the consent of the holder.

The facts of nature that are provided in art. 75 Civil Code which emphasizes violations of the right to dignity depending on the context. For example, arresting and handcuffing in public a person who has been caught in the act of committing a crime does not constitute such a violation, although his honor will suffer. On the contrary, removing a handcuffed person from the premises of a judicial body, without taking measures to avoid his public exposure,

constitutes a violation of the right to dignity, punishable. Respect for human dignity is the principle that underpins the theory of human rights and the theory of personality rights. Even if each of them aims to protect aspects of the individual's personality, in the final analysis, their dignity is protected. In a subjective analysis, human dignity plays a role of protection and development, both against the state and individuals, and the objective analysis considers the (also called fundamental) dignity that transcends interests and leads to a restriction of personal freedoms for the benefit of the protection of the human being [4].

*The dignity of the human person* is one of the most obvious and complex notions that jurists have had to delve into in recent years. Dignity is an old thing; it is not only a constitutional principle, but also a universal one, which involves the protection of the person against any form of enslavement, degradation and even humiliation [5]. As said, dignity, by definition, never dies [6]. For a long time, dignity was not ritually proclaimed, and there were some legislative means to ensure its protection, such as the abolition of slavery, the condemnation of torture, etc. or by defending public order and good morals (art. 5 Civil Code 1864). But the horrors of Nazism forced upon him solemn proclamations, declarations and laws; wars, too [7]. Article 1 of the Universal Declaration of Human Rights says: “All human beings are born free and equal in dignity and rights”. A special place in the table of international documents is occupied by the Convention for the defense of human rights and the dignity of the human being against the applications of biology and medicine, which was ratified by our country in 2001, the already mentioned convention. Our constitution states in its first article that “Romania is a state of law, democratic and social, in which human dignity, the rights and freedoms of citizens, the free development of the human personality, justice and political pluralism represent supreme values” [8]. Honor is a complex feeling, determined by the perception that each person has of his dignity, but also by how others perceive him in this aspect. A distinction is thus made between “internal honor”, which is “the feeling a person has about his own dignity” and “external honor”, which designates “all the qualities a person needs to be respected in his social environment”. Honor, therefore, does not only have an individual character, but also a social one, hence the connection that exists between it and reputation, which can go as far as synonymy: a touch of reputation means a touch of honor.

### **The Legal Nature of Human Dignity**

The use of dignity as a tool to protect personality led to the conclusion that it is a subjective right, respectively a right of personality. Indeed, conceived as the right to act according to one's personality, human dignity can be nothing more than a subjective prerogative subject to personal control and appreciation. The dignity of the human person appears primarily as an explanatory principle that sheds light on the legal status of the person and the fundamental distinction between persons and things. Then, the principle of the protection of human dignity is also a normative principle, since a number of mandatory rules of conduct follow from it; at the origin of legal norms, he plays the role of a cardinal regulator. Of course, the dignity of the human person is not a principle like all the others, because it is found at the origin of fundamental rights [9]; he presents himself as an absolute value and is a landmark that participates in the immaterial public order. The absolutism of the principle of dignity works on the one hand, against the norms that would contradict it, in a vertical normative relationship; on the other hand, absolutism appears as an absolute value and is expressed in a horizontal manner, considering the vocation to the universality of the principle of dignity; it appears to be the only absolute constitutional principle.

## Human Dignity, Public Order and Good Morals

According to art. 11 C. civ., “One cannot derogate through conventions or unilateral legal acts from laws that concern public order or good morals.” The concept of public order refers to two essential elements: a substantial one, which assumes a system of values considered to be fundamental; another formal one, which is the direct consequence of the internal value of the rule that becomes imperative in this case. The imperative established in this article constitutes an obstacle to the application of other competing rules. In other words, the rule of public order is the one that cannot be applied. It can be considered, in this sense, that human dignity is included in public order. Jurisprudence and doctrine confirm this, as human dignity is often invoked to justify the illegality of a practice, the irregularity of a particular procedure or, more generally, *limit of the exercise of a right or a freedom*, for example, respect for the dignity and honor of the person is a real wall of defense against freedom of expression. Therefore, the principle of the protection of dignity must be conceived as a “barrier value” that allows the removal of any rule contrary to dignity and always emphasizes what is permitted by virtue of the hierarchy of social values. This is precisely what gives specificity to the rule of public order.

As for the relationship between the principle of dignity and good morals, it is a close one. A more neutral substitute (than good morals) should therefore be found, pushing the threshold of prohibition not on what offends good morals, but on what is incompatible with the idea that the legal order is man-made. On the other hand, the closeness between dignity and good morals comes from a natural approach, and the protection of a person's dignity is done obligatorily, operating with notions and ethical and moral considerations familiar to good morals.

### Normative Applications of Human Dignity

Since the human species or humanity is not the subject of law, its protection cannot be based on a prerogative of personhood, such as the human body. So, the protection of the human species must have a higher principle that imperatively prohibits people from being removed from their human family. The new Civil Code prohibits any harm to the human species, expressly mentioned in art. 62 para. (1) that “no one can touch the human species”; The Civil Code opposes eugenic practices that tend to organize the selection of people [art. 62 para. (2)] [10] and prohibits creating a human being genetically identical to another living or dead human being [art. 63 para. (2)], as well as the creation of human embryos for research purposes or the transformation of genetic characters to modify the person's descent [art. 63 para. (1)]; also, art. 65 para. (1) Civil Code establishes that “the examination of a person's genetic characteristics can only be undertaken for medical or scientific research purposes, carried out under the conditions of the law, and para.” (2) that the identification of a person based on his genetic fingerprints can only be carried out within a civil or criminal judicial procedure or for medical or scientific research purposes, carried out in accordance with the law. These provisions are usually duplicated by crimes provided for in the new Criminal Code.

But dignity must be related to the human body and respect for the human body - respect for the human body. Indeed, the removal and transplantation of human organs, tissues and cells, as well as the application of techniques involving the use of foreign sex cells to future spouses or in the case of the surrogate mother, have called into question (and still call into question) respect for the right to dignity of the human being and equally calls for more extensive regulation; medically assisted human reproduction influences classical institutions such as filiation, kinship, adoption, and even the beginning of life; no one can alienate his freedom and body to become another person's slave (voluntary servitude). The interest and good of the human being are also valued by the legislator in the light of the principle of dignity. A violation of privacy may result in a violation of honor, dignity, or reputation. Thus, imitating the voice in conditions



of creating confusion between persons or otherwise may harm the dignity or honor of a person; In a way, voice impersonation is identity theft [11]. It is necessary to show and even emphasize that the new Civil Code, in art. 74 lit. g), establishes that it is a violation of private life (and, implicitly, of dignity) the dissemination of materials containing images of a person in health facilities, as well as personal data regarding health diagnosis, prognosis, treatment, circumstances related to illness, etc., subject to the provisions of art. 75 Civil Code. On the other hand, the violation of women's dignity led to the criminalization of sexual harassment [12]; it seems that today more than ever women face such actions in the workplace. It is considered a violation of dignity if an employment contract stipulates that the employee must be subject to a physical control upon leaving the factory or a control at the workplace through video surveillance techniques; the employer who imposes such clauses in the employment contract practically requires the employee to give up a part of himself personally; also, the act of a person being victimized to endure or consent (even if the victim would enjoy it) to humiliating acts by which he loses his self-esteem. The use of the "lie detector" is most often harmful to human dignity, even if there is the consent of the person concerned.

A special situation is respecting the dignity of the child. Civil Code, in art. 488 para. 2) lit. a), compels the parents to cooperate with the child and to respect his intimate, private life and dignity; also, Law no. 272/2004 on the protection and promotion of children's rights, republished, emphasizes, in art. 33 para. (1) and (2): (1) The child has the right to respect for his personality and individuality and cannot be subjected to corporal punishment or other humiliating and degrading treatment. (2), Child disciplinary measures can only be instituted in accordance with the child's dignity, no physical punishment or punishment related to the child's physical, mental or emotional development being allowed under any circumstances. This idea is reiterated in Article 489 of the Civil Code, that there is no doubt that today the increase in violence against children is one of the most serious social problems facing contemporary societies. The application of the so-called "correction right" that custom recognizes to parents can lead to their forfeiture of the exercise of parental rights under the conditions of art. 508 Civil Code or even to the engagement of criminal liability for committing the crime of ill treatment applied to minors provided for by art. 197 Penal Code or other crimes such as hitting and other violent acts, such as physical ones. injury or family violence. In the name of the principle of respecting the child's dignity, the law enshrines his right to protect his public image, private, and family life. Also, art. 489 Civil Code provides that disciplinary measures can be taken by parents only with respect for the child's dignity. It is forbidden to take measures, as well as apply physical punishments, which may affect the physical, mental, or emotional state of the child. Therefore, disciplining the child must be of a democratic nature, in which dialogue and negotiation are favored, which will give the child a sense of inner security; the relationship between parents and children must be based on trust and love; the guidance of the child must in no case be achieved through humiliating forms of discipline. Of course, we should not forget the text of art. 485 Civil Code, which says: "The child owes respect to his parents regardless of his age".

## Conclusions

In conclusion, I can remark that all human beings are born free and equal in dignity and rights. Dignity is a quality of the human being, but also of peoples. In the case of a person, it presupposes the existence of a consciousness of one's own value, doubled by modesty and correlated with the consciousness of the value of others. It is necessary, at the same time, to emphasize that dignity is manifested in several aspects: the dignity of the family and the development of family values, the dignity of the child [13], the adolescent, the student, the woman and the man, the professional dignity, the national dignity. Dignity is difficult to define,

but in any case, it implies honor, good faith and an unspoiled reputation. Honor is acquired during a person's lifetime, which forms a person's reputation. On the other hand, in relation to oneself, dignity is a personal sense of moral worth determined by the appreciation that each person has of himself. As can be seen, dignity has several functions in law. Thus, in a subjective analysis, human dignity plays a role of protection and development of individuals both against the state and against individuals. On the other hand, an objective analysis considers the dignity (called fundamental) which transcends private interests and leads to a restriction of personal freedoms for the benefit of the protection of the human being.

## REFERENCES

- [1] See, Ungureanu O., Munteanu C. (2015), Civil Law. Persons in the regulation of the new Civil Code, 3rd Edition, revised, Ed. Hamangiu, The right to honor and the right to dignity, p.119.
- [2] Bîrsan C. (2005), European Convention on Human Rights. Commentary on articles, Vol. I. Rights and freedoms, Ed. ALL BECK, Bucharest, p.11.
- [3] Dongoroz V.et al. (1971). Theoretical explanations of the Romanian Penal Code, vol. III, Ed. Academy, Bucharest, p. 403.
- [4] Ungureanu O., Munteanu C. Reflections on the right to dignity in the conception of the Civil Code, in Law no. 9/2014, p.17.
- [5] Goffman E. (2004). Asylums. Essays on the social situation of psychiatric patients and other categories of institutionalized persons, Polirom Publishing House, Iași.
- [6] “Dignity is an old thing in man and it grows with age”, (E. Junger, Mantrana, in Secolul XX no. 10-12/2000, p. 148).
- [7] About the indirect effect of bullets fired in wartime, one author said a painful truth: “The bullet hits many, we see the bird fall and we rejoice when the flakes fly, but we do not see the eggs, the chicks and the women in the nest to which she does not will never return” E. Junger, Gardens and roads, Polirom Publishing House, Iasi, 2002, p. 282.
- [8] Muraru I., Tănăsescu S. E. (2008). Constitution of Romania. Commentary on articles, Ed. C. H. Beck, Bucharest, 2008, p. 1-19, and for the rights and freedoms of citizens, B. Selejan-Guțan, Constitutional law and political institutions, 2nd Ed., Ed. Hamangiu, Bucharest, p. 119-173.
- [9] Popa N., Eremia M. C., Cristea S. (2006). General Theory of Law, 2nd Ed., Ed. C. H. Beck, Bucharest, p. 106-114.
- [10] Art. 62 Civil Code in Baias, Fl. A., Chelaru, E., Constantinovici, R., Macovei, I. (2012). New Civil Code, Ed. C. H. Beck, Bucharest, p. 67.
- [11] Ungureanu O., Munteanu C. The right to one's own image, p. 72.
- [12] See art. 223 Penal Code.
- [13] The doctrine appreciated that the principle of the best interest of the child, as a guiding principle of the legislation in the matter of child protection, is an additional guarantee of ensuring the child's dignity. For details, see Toncean-Luieran, I.R., (2020), *Adopția conform noilor reglementări interne ale României, monografie*, publicată la Editura Universul Juridic, București, pp.77-79.

# The Role of the UN Security Council in Maintaining World Peace

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## **Abstract**

The UN Security Council (UNSC) is one of the main organs of the United Nations in charge of maintaining international peace and security. Its role, as described in the Charter of the United Nations, includes the establishment of peacekeeping operations, the establishment of international sanctions, and the authorization of military action. The role of the Security Council is exercised through Council resolutions. The international collective security role of the UN is defined by the Charter of the United Nations, which gives the Security Council the power to investigate any situation that jeopardizes international peace, to recommend procedures for the peaceful settlement of a dispute, to call on other United Nations States to suspend, in whole or in part, economic, maritime, air, postal and radio relations with certain States, to implement its military decisions by any means necessary, to avoid conflicts and maintain a focus on cooperation and also to recommend the new Secretary General to the General Assembly, as it is shown in the 97<sup>th</sup> article of the Charter. The UN is the guarantor of a better world. The UN has an enviable curriculum vitae for any other international organization, full of actions whose effect has been to increase the standard of living on a global scale, a phenomenon that has been felt over time. Among these acts of charity, the most important are the formulation of the Universal Declaration of Human Rights in 1948, which became a historical document that specifies the rights and freedoms that every human being on Earth has.

*Keywords: The UN Security Council, United Nations, Universal Declaration of Human Rights, state, international peace.*

## **Introduction**

In the following we will analyze the role of the Security Council within the United Nations Organization, but also in terms of the protection of fundamental human rights. In order to carry out this analysis, it is necessary to identify the importance and the role of the other structures within the UN framework, this through the lens of the fact that all these structures, although independently, collaborate to maintain peace worldwide and implicitly for the protection of people.

The UN Security Council holds a special place in the international system, being invested with the primary responsibility for maintaining world peace and security. These assignments are of a nature to outline the functions that the Security Council must perform. It was precisely the historical context in which the United Nations was born that determined on the one hand its organizational structure, and on the other hand the role of each individual structure.

The position and special role reserved for this body in the structure of the world organization are revealed by its structure, operation, decision-making system and the powers it exercises. He has the duty to make quick and effective decisions and to deal with conflict situations. On the one hand, its structure must be limited to a small number of members, and on the other hand, it must contain, mandatorily and permanently, the five victorious powers in the Second World War.

In the United Nations system, the primary role belongs to the United Nations Organization (UN), “which is the most representative forum with a vocation of universality, a fact demonstrated both by the number of members and by concerns of general interest” [1].

### **Protection of Human Rights Through International Structures and Mechanisms**

The international system of promoting and guaranteeing fundamental human rights and freedoms is based on the triple relationship between the development of legal instruments in the field, their application within each state and their dissemination for the knowledge and education of each member of society in the spirit of compliance with established standards. This relationship is achieved through a wide and complex intergovernmental cooperation within regional, subregional, and national organizations and institutions with a vocation of universality, as well as through non-governmental organizations, humanitarian institutions and research centers, mass media, etc.

The protection of rights is achieved using legal mechanisms or through various activities of civil society. Within international organizations, concerns for the protection of human rights consist of the adoption of treaties, agreements, declarations, or conventions, which establish rules of conduct for states and signify the commitment of those states to protect the rights of individuals. At the level of international organizations, in addition to the legal framework for the protection of human rights, protection mechanisms of a political or jurisdictional nature are also established.

Depending on the objectives of an intergovernmental organization, it is endowed with certain structures capable of exercising those functions, structures provided, as a rule, in the constitutive act, their competence and composition being extremely different. Thus, some are made up of government representatives (e.g., the United Nations Commission on Human Rights), others of personally appointed experts (e.g., the United Nations Subcommittee on the Prevention of Discrimination and the Protection of Minorities) or of persons qualified to exercise legal or quasi-legal functions (such as the European Commission and the Court of Human Rights or the Committee of Experts on the Application of ILO Conventions and Recommendations) [2]. Unusual situations may also arise, such as ad hoc committees of the United Nations Commission on Human Rights, whose members are personally chosen from among the government representatives on the commission.

The degree to which an organization is involved in human rights issues may differ depending on its specificity, its geographical context, and the political and cultural traditions of its member states. Thus, the United Nations is a very broad and complex structure for such concerns, in its system coexisting bodies with various structures and competences, given the conventions adopted in the field of human rights under its auspices, which, in turn, provide for some bodies to assess how States Parties fulfill their obligations [3].

### **The Principal and Subsidiary Organs of the United Nations with Mandates for the Promotion and Protection of Human Rights**

For the good organization and functioning of the UN, according to the Charter, it has two categories of bodies: *main bodies* such as the General Assembly, the Security Council, the Economic and Social Council, the Administrative Council, the International Court of Justice and the Secretariat and *subsidiary bodies*, constituted by the main bodies with delegated competence, which in turn are made up of representatives of the member states or specialists, in order to contribute to the fulfillment of the objectives of the organization and its main bodies [4].

All the main bodies and a large part of the subsidiary bodies have, according to the UN Charter and other constitutional documents, organization and operation, specific attributions for the fulfillment of one of the purposes set out in the Charter, namely the promotion and encouragement of respect for human rights and fundamental freedoms for all, regardless of race, sex, language, or religion [5].

### **The Main UN Bodies Related to Peacekeeping and the Protection of Human Rights - UN General Assembly**

The UN General Assembly is the most representative main organ of the organization, with the most important functions and powers in the field of promoting and respecting human rights. Thus, the General Assembly can discuss any problem or cause covered by the Charter and can make recommendations in this regard to the members of the organization [6].

Also, the General Assembly initiates studies and makes recommendations for the progressive development and codification of international law, its role being particularly important in establishing the rules of international human rights law. Practically, the human rights treaties adopted in the United Nations system were promoted by resolutions of the General Assembly and were preceded by its declarations, sometimes particularly solemn, such as the Universal Declaration of Human Rights.

The General Assembly can address issues related to human rights either in its plenary sessions or submit them to commissions such as: the Commission for Social, Humanitarian and Cultural Affairs; Committee on Political Affairs and Security; Special Policy Committee; Committee on Economic and Financial Affairs; Guardianship Commission; Committee on Administrative and Financial Affairs; Committee on Economic and Financial Affairs; Legal commission. Structural The UN General Assembly is composed of the 192 member states [7].

### **UN Security Council**

The Security Council is the principal organ of the United Nations, to which the Charter has assigned primary responsibility for the maintenance of international peace and security. The issue of human rights falls within the competence of the Security Council in situations where flagrant and permanent violations of these rights constitute a threat to international peace and security.

In practical work, the Council has often had to intervene, especially in this regard racial discrimination, which has flagrantly disregarded human rights, constituting a permanent source of tensions and disturbances that could constitute direct threats to international peace and security [8].

The UN Security Council (UNSC) is one of the main bodies of the United Nations, tasked with maintaining international peace and security.

The role of the Security Council, described in the United Nations Charter, includes establishing peacekeeping operations, establishing international sanctions, as well as authorizing military action. The Security Council consists of 15 members, consisting of permanent members and elected members.

The members of the Security Council must always be present at the UN headquarters in New York, so that the Security Council can meet at any time. This requirement of the United Nations Charter was adopted to avoid a weakness of the League of Nations, the fact that the organization was often unable to respond quickly to a crisis.

A state that is a member of the U.N. but not of the Security Council may participate in Security Council discussions if the Council agrees that the interests of that state are particularly

affected. Non-members are usually invited to participate when they are parties to disputes discussed by the Council.

The international collective security role of the U.N. is defined by the United Nations Charter, which gives the Security Council the power to:

- investigate any situation endangering international peace
- recommend procedures for the peaceful resolution of a dispute
- appeal to other states of the United Nations to cut off, in whole or in part, economic, as well as maritime, air, postal and radio communications relations with certain states
- implement its military decisions by any means necessary
- avoid conflict and maintain a focus on cooperation
- recommend the new general secretary to the General Assembly (Art. 97 of the Charter)
- protect civilians from military conflicts (Security Council Resolution 1674).

The Security Council is made up of five permanent members (China, the Russian Federation, France, Great Britain, and the USA) and ten non-permanent members, five of whom are elected each year by the General Assembly. Non-permanent members are elected according to equitable geographical distribution as follows: 5 from the African and Asian regional groups, one from the Eastern European regional group, two from the Latin American and Caribbean regional group and two from the Western European regional group [9].

### **UN Trusteeship Council**

UN Trusteeship Council is composed of the representatives of the permanent members of the UN Security Council and the representatives elected by the General Assembly, for a three-year term. According to a legal interpretation submitted to the attention of the UN Secretary General, the Trusteeship Council is composed of the representatives of the countries that administer the territories under trust and the representatives of the permanent member states in the Security Council not involved in the administration of the territories under trust.

UN Trusteeship Council examines the reports submitted to the attention of the administrative authorities of the territories under tutelage; accepts petitions and examines them in consultation with the administrative authorities; organize periodic visits to the territories under tutelage; undertake other activities in accordance with the guardianship agreement.

Although listed as part of the UN structure, the Trusteeship Council suspended its activity in 1994 when Palau gained its independence. Palau was the last territory under trusteeship, and its acquisition of independence no longer justified the work of the Trusteeship Council.

### **Economic and Social Council**

Economic and Social Council abbreviated as ECOSOC. It was established by the UN Charter as the main organ of the organization, having the responsibility to fulfill its functions, under the authority of the General Assembly, in the field of international cooperation, including for the universal and effective observance of human rights. For this, ECOSOC was invested with the Charter with functions and powers such as:

- initiates studies and reports on international issues in the economic, social, cultural, educational, health and other related fields and can make recommendations in this regard to the General Assembly, members of the organization and interested specialized institutions
- can make recommendations to promote the effective respect of human rights and fundamental freedoms for all
- in matters of competence can draw up draft conventions, which they submit to the General Assembly.

Decisions are adopted with a simple majority of voting members. ECOSOC sessions are organized every year in July, alternately in Geneva and New York. Under ECOSOC are various specialized commissions or committees with a limited composition, such as: the Human Rights Council, the Commission for Statistics, the Commission for Population and Development, the Commission on Combating Drug Trafficking, Consumption and Abuse, the Committee for Natural Resources, etc. structurally ECOSOC is made up of 54 member states of the United Nations.

### **Center for Human Rights**

The Center for Human Rights is a body of the UN Secretariat, part of the United Nations Office in Geneva and headed by the High Commissioner for Human Rights, who is also the Director-General of the Office. The Center was established to assist the organs and bodies of the UN system to promote and protect the fundamental human rights and freedoms enshrined in its instruments. Among the functions performed by the Center we mention: conducting research and studies on various aspects of human rights, at the request of interested bodies; drawing up reports on the observance of human rights and taking measures for their implementation; centralizing UN human rights activities; liaise with non-governmental organizations, non-UN institutions and the media on human rights issues [10].

### **Case Study [11]**

The United Nations Charter gives the Security Council the power and responsibility to initiate collective action to maintain international peace and security. For this reason, the international community usually asks the Security Council to authorize peacekeeping operations. Most of these operations are established and implemented by the United Nations itself, with troops serving under the UN operational command.

Through peacekeeping missions, the UN has found a way to help conflict-torn countries, to create the conditions for a sustainable development of peace. Thus, the UN maintains peacekeepers and military officers, civilian police officers and civilian personnel in several countries to monitor compliance with peace processes that occur in post-conflict situations, but also ex-combatants to watch over the implementation of the peace agreements they signed. Such assistance can take many forms, including measures to strengthen confidence and power, but also under sharing agreements, electoral support, for strengthening the rule of law, as well as for economic and social development.

An example of this is the founding in 1964 of the United Nations Force which became responsible for maintaining peace in Cyprus. This entity was abbreviated as UNFICYP in translation United Nations Peacekeeping Force in Cyprus. Cyprus was at that time during the violent clashes between the Greek and Turkish communities. By resolution 186 (1964), the UN Security Council intended "to prevent any resumption of hostilities and, as appropriate, to contribute to the maintenance and restoration of law and order and the return to a normal situation." After the Turkish military intervention in the summer of 1974, the Security Council was forced to extend the mandate of this structure.

UNFICYP is based in Nicosia, and the Special Representative and Head of Mission is Lisa Bittenheim, appointed in 2010. The Commander is since January 1, 2011, Major General Chao Liu (China). In December 2010, the number of people involved in this mission reached 1072 people, of which 854 soldiers, 68 policemen, 37 people, part of the civilian staff and 113 local people. In 2014, in mid-May, the UN Secretary General announced the appointment of the Norwegian Divisional General, Kristin Lund, as head of UNFICYP. She thus became the first woman to lead an organization's peacekeeping force.

## Conclusions

In conclusion, the UN Security Council is of major importance in maintaining international stability and security, having at the beginning of the 21st century an extensive number of correlative responsibilities and duties to resolve major global crises. Its role is useful to the international community, but it tends to favor powerful states, not punishing them when they violate international law. However, we can establish that the achievement of an international security can be considered as an extended character. The UN Security Council is the most powerful main organ of the UN. According to the Charter of the United Nations Organization (art. 24), it bears the primary responsibility for fulfilling the central objective of the Organization, the maintenance of international peace and security. Romania, through its presence in various UN bodies, can participate in the decision-making process within the World Organization, with influences on the international situation at the global level and in nearby geographical areas. Also, Romania's participation in UN peacekeeping operations highlighted the efficiency of the Romanian army and Romania's political willingness to get involved in multinational military activities to maintain international stability. The protection of fundamental rights and freedoms is closely related to the maintenance of peace. States affected by conflict situations tend to ignore their compliance during these periods. This fact determines that the UN Security Council also plays an important role in protecting and respecting fundamental rights, even if, as I have shown before, its main role is to help maintain peace in conflict zones.

## REFERENCES

- [1] Miga-Beșteliu R. (2000). International intergovernmental organizations, All Beck Publishing House, Bucharest.
- [2] In this context, we emphasize that the Charter of Fundamental Rights of the European Union was adopted at the level of the European Union. For details, see Cătană E.L., Toncean-Luieran I.R., (2018), *Dreptul Uniunii Europene: istoric, instituții, izvoare, libertăți fundamentale, jurisprudență*, Universul Juridic Publishing House, Bucharest, pp. 185-205.
- [3] Purdă N., Diaconu N. (2016). Legal protection of human rights, 3rd Edition, Universul Juridic Publishing House, Bucharest, p. 77.
- [4] Scăunaș S. International human rights law, All Beck Publishing House, Bucharest, p. 4.
- [5] UN Charter, art. 1 par. 3.
- [6] UN Charter, art. 10.
- [7] <http://www.mae.ro/node/5610?page=3> , accessed 19.05.2022.
- [8] N. Purdă, N. Diaconu, *op. cit.*, p.81.
- [9] <http://www.mae.ro/node/5610?page=3> , accessed 19.05.2022.
- [10] Purdă N., Diaconu N., *op. cit.*, p. 81.
- [11] For details on UN peacekeeping missions, to be seen [https://ro.m.wikipedia.org/wiki/Lista\\_misiunilor\\_de\\_mentinere\\_a\\_păcii\\_a\\_Națiunilor\\_Unite](https://ro.m.wikipedia.org/wiki/Lista_misiunilor_de_mentinere_a_păcii_a_Națiunilor_Unite)



# Some Aspects Regarding the Drafting of Civil Status Documents, Newly Regulated by Law No. 105/2022

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## Abstract

The civil status acts, and everything that means drawing up, registering, and ascertaining them, initially regulated by Law no. 119/1996, and later by the addition to the original, brought on, in the form of Law no. 105/2022. In the following, we will present the status acts by name, and what each of them means, followed by the main differences between the two laws. We will also analyze a case that was solved based on Law no. 119/1996, which we will try to update according to the new regulations.

*Key words: legal dispositions, civil status, certificates*

## Introduction

By marital status or civil status, we refer to all the strictly personal elements that contribute to the separation of the individual in society and family [1].

The strictly personal qualities, that configure the civil status of the individual, are as follows: the person was born in a marriage, out of it, by unknown parents, was adopted, the subject is either married, divorced, and widowed, they can be related or bound by marriage to someone else.

Therefore, due to the legal dispositions currently applied, by civil status documents we mean, the birth, death, and wedding documents. All the titularies to the aforementioned documents are entitled to certificates from them, according to the registers of civil status from the civil status service, so that the subject has a birth death and wedding certificate [2].

## The Birth Certificate

The birth certificate is the civil status document that is given to the law subject with the occasion of the record of their birth in the civil status registry. The certificate is released by the community public service of population record's regional area, in which the birth took place, based on the document drafted by the civil status registry where the birth was registered [3].

There are a series of rules and regulations determined by certain special situations [4]. For example, if the birth takes place on board a train, on a ship or an aircraft, or any other mode of transportation, on a trip on Romanian territory, the civil status document, is drafted by the local public administration, at the place of arrival [5].

The situations above were firstly regulated by Law no. 119/1996, Article 8(1), in which it was said that the civil status documents appearing following one of the preceding situations, were recorded at the public administration authority under whose area the arrival was made. Once the entry into force of the new Civil Code, in 2011, Law no. 119/1996, article 7 was annulled, art. 8 becoming the new art 7. Afterwards, by enforcing law 105/2022, to paragraph

(1), it was added, the fact that, in the special situations from earlier, the making of the civil status documents can also be done by the mayor's office from the area under which the disembarking and landing has occurred. There can also be certain situations in which the birth is occurring outside the state territory, but it has a strong bond to the Romanian state, therefore the release of the birth certificate, continues to be the responsibility of the national authorities.

Consequently, if the birth takes place, during the trip outside of the Romanian territorial waters, the event is registered by the captain in his logbook. Although, if the birth takes place on an airship, during a flight outside of the Romanian territory, the event is registered by the commander in his journal. The recordings made in the logbook or journal, will contain all the necessary information needed to complete the civil status document, as well as the signatures required by law, the notes being proof of the event, until the document is officially and legally created. The ship or aircraft commander is supposed to give to qualified authorities, proof of the registration made, moreover, now of returning to the country, forwarding through the port captainship, or the airport commander, an extract from the logbook or journal to the Persons Record service, from the first sector of Bucharest, which will draw up the civil status document [6].

The circumstances stated in the previous paragraph are currently regulated by Law no. 119/1996 article 7(2), (3), (4), (5), (6), and remained untouched when Law no. 105/2022 entered into force. In case of mobilization, war, or participating in a mission for maintaining peace or a humanitarian cause, the Ministry of National defense is designating certain military staff that register civil status acts and facts of military staff as well as civil personnel and communicate them to the adequate public administration authorities [7]. These scenarios have suffered certain modifications brought by Law no. 105/2022. Ergo, if previously, Law. No. 119/1996, said that the Ministry of National Defense, was the one that registered this type of documents and deeds for the military as well as the civil personnel, and communicated them to the competent authorities, now, Law no. 105/2022, modified art. 7(7), instituting a new alternative authority, between the Ministry of National Defense and the Ministry of External Affairs in certain situations for designing civil status officers which will register the civil status documents and deeds for military personnel, civil personnel and, as novelty, for other categories of participants to these types of actions, and communicating them afterwards, either to the public Persons Record service or if need be to the mayor's office of the competent territorial-administrative unit.

### **The Marriage Certificate**

Civil marriage represents the legal concept of marriage, as an institution of the Civil Code, no matter the religious beliefs, that conforms to the country in which it takes place. Generally, civil marriage is performed before a civil status officer. Although there are exceptions to this rule, that allow marriages to be performed by other people, such as a ship or plane captain [8].

The marriage is usually performed by the civil status officers at the office of the local public Persons Record service, of the mayor's office in whose area of territorial competence one of the future spouses has their legal residence, or at a venue, especially designated to serve that purpose by the mayor's office of the administrative-territorial unit [9].

The release of the marriage certificate is done, as the law dictates, either to one spouse, or if it is specifically asked, to both. The exception consists of the possibility to release the marriage certificate to other persons, on the condition that they were empowered by one of the spouses, with a special document from a notary office. In case of a dissolution of a marriage, either by divorce, or by the death of one of the spouses, for due cause, the marriage certificate can still be released, if it is mentioned on it the fact that the marriage is dissolved either by divorce, or the untimely demise of one of the spouses [10]. The release of the marriage certificates the

spouse, or spouses can petition the Public Community Service of Person's Records, or to the mayor's office where the certificate has been registered, and has it in storage, or the ones from the domicile or residence or the requester. There can also be situations in which, because of the circumstances, the requester is outside of the country, in this case he must address to the Romanian diplomatic mission, in the country that he is in, for the release of the marriage certificate. If, at the release submission for the marriage certificate, there is notice of a change in the civil statue of the title holder, the submission will be settled only after the clarification of the possible discrepancies, based on the justificative documents presented by the requester. The lawmaker also institutes a timeframe for the release of the marriage certificate. Said term being 30 days since the request was made. When the request is made, there will need to be presented the ID of the requester, as well as the special document as proof of the request and receive of the marriage certificate when the request occupies both these aspects. The opposite of the marriage certificate is divorce, which is the act of legally breaking the marriage. In Romania this can be managed either by the judge in a court of law, or through administrative or notarial way, having in mind the dispositions of the Civil Code currently in force. Now, there are four reasons specified in the law which can be the cause of divorce, defined by article 373. Therefore, the marriage can be undone: "Through the spouses accord, at the request of one of the spouses with the other's accord. When, for good reason, the relationship between the spouses has been gravely damaged and the continuation of the marriage is not possible. At the request of one of the spouses, after a separation which lasted two years. Lastly, at the request of one of the spouses whose health makes the marriage continuation impossible." If there are minor children born inside of the marriage, the problem of custody of the children is raised. In the event of a divorce a single-parent family is formed, where the minor children are living with one of the parents [11].

Besides the general aspects presented above from the point of view of this here paper, it is of note that the divorce certificate does not constitute a document of civil status, it being released, as stated by the law currently in force either by the public notary or by the civil status officer, having in mind that the current Civil Law does not talk about it as a civil law document.

### **The Death Certificate**

The making of the death certificate is made by the civil law officer belonging to the Public Community Service of Persons Records or to the mayor's office of the administrative-territorial unit in which the death took place. It is possible that the death happens on the territory of another state, in which case, for the release of the death certificate the family members will make a request either to the diplomatic mission or to the Romanian consular office in the country in which the death happened. This disposition is a new one, introduced by Law no. 105/2022 [12].

The release of this certificate is done, according to the law, only based on the medical certificate ascertaining the death and the verbal declaration made by one of the family members of the deceased. If no family members exist, the responsibility of declaring the death, falls on, as the lawmaker established: the medic, or another medical staff from the hospital in which the death took place, or by any other person who took notice of the death. In all cases, the person that declares the death must submit the medical certificate ascertaining the death, the ID and if necessary, the military evidence documents of the deceased [13].

Another new addition, also introduced by Law no. 105/2022 stipulates that for establishing the 3 days in which, according to the legal dispositions, the death must be declared, the day in which the death happened and the day in which it is declared are no longer counted [14].

When the death is due to suicide, an accident, or other violent causes, as well as when the body is found, for the making of the death certificate a proof issued by the police or the state's attorney office, from which to result the fact that one or the other of these authorities have been

notified concerning the death. As a novelty the compulsoriness of declaring the finding of the body in a time period of 48 hours [15].

In the aforementioned situations, the 3 days deadline of declaring the death starts from the date of the release of the medical certificate ascertaining the death. If the death has not been declared in 3 days' time in natural causes, or, 3 days from the release of the medical certificate ascertaining the death, the making of the death certificate is done, in Romania, with the approval of the state's attorney office, and abroad, if the relevant authorities from the state where the death happened confirm that they do not have any objections pertaining the registering of the death of the Romanian citizen at the diplomatic mission or the Romanian consular office [16].

Less substantial modifications brought by Law no. 105/2022, that have as an objective, aspects pertaining to the death of a person, are referring to the record in the medical certificate ascertaining the death, of the date of the death, in the format: Year, Month, Day, as well as the signing of it and the drafting of it by the doctor that ascertained the death. Also of note is the fact that the medic that ascertained the death is the only one who can draft this document, and not any other medical personnel, as the old law stated.

### **The Analysis of the Modification Brought Through Law No. 105/2022, to the Articles 57 And 58 Applied in the Case Above**

In the following, we will highlight the modifications and additions added by Law no. 105/2022 to articles 57 and 58 from Law no. 119/1996, verifying if the solution given by the court in the case presented before would have suffered any modifications if courts would judge similar cases. Therefore, in the contents of Article 57, paragraph (1) according to which, currently “the annulment, completion or modification of the civil status documents and the addendums in them, can only be done based on a definitive court order” [17] the term “irrevocable” was replaced with “definitive”, referring to the type of court order in the basis of which the annulment or modification of the civil status documents can be done. In the contents of Article 57, paragraph (2) according to which currently “In the case of the annulment, completion and modification of the civil status documents, the notification of the court of law is done ... by the mayor's office of the administrative-territorial unit” [18], was added the fact that the notification of the court of law can also be done by the mayor's office of the administrative-territorial unit. Another adjustment made to the same paragraph (2), according to which the “settlement of the request based on the verifications made by the public community service of people records and/or by the mayor's office of the administrative-territorial unit” the formulation: “the police and prosecutor's conclusions” was changed to “the public community service of people records and/or by the mayor's office of the administrative-territorial unit”. The contents of paragraphs (3) and (4) remain unmodified by Law no. 105/2022.

In the contents of article 58, paragraph (1) according to which, now “the assent from chief of the service of public communitarian persons records of the county/ of the public communitarian persons records of the Bucharest municipality of a certain sector”, the term “assent” has replaced “prior notice” [19]. The paragraph (1<sup>^</sup>1) was also added, inexistent in the initial form of law 119/1996 [20] according to which the measures of paragraph (1), will be applied to the civil status documents that are “in keeping with the county services of National Archives/ the services of National Archives pertaining to the Bucharest municipality”. We would also notice the fact that the other paragraphs of the article we analyzed did not suffer any modifications. After the analysis of the prior legal notices applied to the relevant dispute and the modifying clauses of the articles pertaining to it from Law no. 105/2022, we conclude that, even though the new law comes with addendums, they are not essential, and in that which pertains to the analyzed case, the court's decision would not be affected in the future in situations with a similar object.

## Conclusions

The civil status documents, as well as everything pertaining to the making, registration, and the notice of them, were firstly regulated by Law no. 119/1996. Said law suffered modifications and addendums through the dispositions of Law no. 105/2022. The conclusions after the analysis of some of the new dispositions, presented in this paper, are likely to point out the fact that the modifications brought by the new law are not major, it having a content similar to the old one. Law no. 105/2022, has 92 articles, through which many articles of Law no. 116/1996, and so the 77 articles of the old law become 76.

In the contents of Law no. 105/2022, compared to Law no. 116/1996, the importance of civil status officers is raised, the attributions of the authorities regulating the civil status documents being better distributed.

## REFERENCES

- [1] <https://evpilfov.ro/stare-civila/>, accessed on 11.05.2022, at 16:53
- [2] Law no. 119/1996(republished), article 1, thesis I, according to which: “the civil status documents are authentic writings, which can prove the birth, marriage or death of a person”.
- [3] <https://legeaz.net/dictionar-juridic/certificat-de-nastere>, accessed on 12.05.2022, at 13:24
- [4] Such a special situation is that of the adopted person. For details on changing the adoptee's birth certificate, see Toncean-Luieran I.R., (2020), *Adopția conform noilor reglementări interne ale României, monografie*, publicată la Editura Universul Juridic, București, pp.211-213.
- [5] Law no. 119/1996, Art. 7, paragraph (1), modified by Law no. 105/2022, point 8, article 7, paragraph (1)
- [6] Law no. 116/1996, Article 7, paragraphs (2), (3), (4), (5), (6), remained unmodified in the new law, Law no. 105/2022
- [7] Law no. 119/1996, Article 7, paragraph (7), modified by Law no. 105/2022, Article 7, paragraph (7), point 8
- [8] <https://legeaz.net/dictionar-juridic/certificat-de-nastere>, accessed on 12.05.2022, at 14:15.
- [9] For more details, see Article 30 from Chapter II: The drafting of civil status document; Section 2: The drafting of the Marriage Document, from Law no. 119/1996
- [10] <https://evp-turda.ro/eliberarea-certificat-stare-civila/> accessed on 20.05.2022, at 18:38
- [11] <https://ro.wikipedia.org/wiki/Divor%C8%9B> accessed on 12.05.2022, at 16:20
- [12] At 02-05-2022, the introduction of Paragraph (1) Article 32, Section 3, Chapter II, has been completed by Point 36, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [13] The introduction of paragraph (1) article 32, 3rd Section, Chapter II has been modified by Point 36, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [14] At 02-05-2022, Article 33 from the 3rd section of Chapter II, has been modified by Point 37, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [15] At 02-05-2022, Article 33 from the 3rd Section of Chapter II, has been modified by Point 37, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [16] Article 33 from the 3rd section from Chapter II, has been completed by Point 37, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [17] At 02-05-2022, Paragraph (1), Article 57 Chapter V, has been modified by Point 66, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [18] At 02-05-2022, Paragraph (2) from Article 57 Chapter V, has been modified by Point 66, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [19] At 02-05-2022, Paragraph (1) from Article 58 Chapter V, has been modified by Point 67, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.
- [20] At 02-05-2022, Article 58 Chapter V, has been completed by Point 68, Article I Law no. 105 from 20<sup>th</sup> of April 2022 published in the Official Monitor, No. 412 from the 29th of April 2022.

# The Importance of Protecting the Right to Live at an International Level

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## Abstract

In the following paper we are going to analyze the right to life as it is provided by the international regulations, namely in the second article of the ECHR (European Convention of Human Rights). Also, we will present some situations which provide the legal limitations of the inviolability of the right to life such as euthanasia, abortion, suicide, capital punishment (death penalty) and human cloning. And in the end, we will also explain how the European Court of Human Rights has sanctioned a state due to the violation of the right to life.

*Keywords: right to life, limits, internal and international regulations*

## The Right to Live

The right to live [1] belongs to every person and is protected by law. As a right and a supreme value guarded by all systems that protect human rights, that were developed after the adoption of the Universal Declaration of Human Rights, on the 10<sup>th</sup> of December 1948. The right to live was not only recognized and consecrated in all the international judicial systems, but also included on the first place, in the category of the 7 fundamental rights, that the so-called hard core of the human rights is made of, as rights from which no exemption can be made [2].

The right to live, as well as the other inherent rights, is, as we already mentioned, protected by law, it is having a universal character, which is represented by the fact that it is protected for everyone [3]. Death cannot be applied intentionally, the exception being the execution of a death sentence passed by a court of law, in a country in which a certain crime is sanctioned with the death penalty.

In the following, we will directly address the problem of limiting the right to live through the sanction of the death penalty by the state, but also the abolition of the death penalty in the context of adopting the European Convention on Human Rights.

At a European level there are also instituted legal exceptions, which do not constitute genuine violations of the right to live. Therefore, the resorting to the absolute force is admitted, for assuring protection to everyone against illegal violence, for the making of arrests inside the law or even for preventing an inmate from evading or starting a mutiny, even if through it the right to live is violated [4].

The deal referring to the civil and political rights adopted in 1966, establishes the fact that the right to live is inherent to the human person, and must be protected by law, as well as the fact that nobody can be arbitrarily deprived of the right to live [5]. The deal does not permit though, the sentencing with the death penalty for crimes committed by law subjects that are under the age of 18, nor the execution of said sentences for pregnant women.

Corroborating the regulations of the two international judicial instruments mentioned above, we reach the conclusion that in many countries the death penalty is still a reality, even though

the abolition of it has been requested from each state. It is the reason for which, from a European point of view, as well as a universal one, concerns arose for adopting some treaties based on which the death penalty to be abolished.

A attempt try of abolishing the death penalty was made by adopting an additional protocol for the European Convention for Protection of Human Rights and Fundamental freedoms within the European Council, in the year 1983, namely Protocol no. 6 concerning the Abolition of the Death Penalty [6].

According to it, for the first time in Europe and the world, in an international judicial document: “The death penalty is abolished. *Nobody can be condemned to such a punishment or executed*” [7].

The right to live has a strong connection with the right to freedom and the inviolability of the person, alongside which it constitutes a right with complex contents, as it follows: [8] The right of not be subject to torture, treatments and punishments that are cruel or inhuman; the right to not be construed to forced or obligatory work; the right not to be deprived of their liberty, only for legal reasons and according to the procedure stipulated by law; the right of the arrested person to be informed as to the reasons for the arrest at the moment of the arrest, and to be notified in the shortest time possible as to the accusation that is being brought to them; the right of any arrested or detained person for committing a crime to be brought in the shortest time possible in front of a court of law, and to be tried in a timely manner or to be freed; the right to be present for a proceeding and to defense; the right of a person deprived of their liberty to introduce an action in front of a court of law in order to determine the legality of their detention; the right of the person deprived of their liberty to be treated with respecting the dignity of the human person; the right to not be jailed for not respecting a contractual obligation; the right to not be followed or punished for committing a crime he was already acquitted for or convicted by a final judgement; the right of a convicted person to recourse at a higher court of law; the right to not be followed or convicted for committing an act that, at the moment of committing it was not qualified as a crime [9].

### **Judicial Aspects Pertaining to the Exercise of the Right to Live**

For approaching the problem of protecting the right to live, it is firstly necessary to analyze the problems that have judicial implications and can be considered limitations of exercising said right. Thus, as it is shown in the specialized doctrine, [10] the act of Abortion: “represents the voluntary interruption of the pregnancy, in the situations in which there are no permissive and supporting situations, that can legitimize this intervention.” The abortion problem from a judicial standpoint but also from the point of view of its relationship with the right to live involves firstly establishing the moment in which the judicial protection of the person’s right to live begins and where it ends [11]. On the other hand, it is necessary that the regulation does not interfere with the mother’s right to live. In order to have an equilibrium between the mother’s and the unborn child’s interests it was found that the judicial protection of the right to live, at an international level, begins at birth, because the embryo does not have a judgement of its own, [12] and in that which pertains to the finality of the protection of the right to live, it is considered to be the moment of brain death [13].

Even though it is judicially protected, the right to live can be limited by the own free will of its owner. Hence in certain situations and in certain states the right to live can be limited, inside the generally established and previously mentioned bounds, by euthanasia, capital punishment, suicide or even by cloning the human being. The capital charge is one of the limits of the right to live that can be established legally by the lawmakers and one that has provoked many big discussions in criminal law literature and theory [14]. The death penalty has been applied from the oldest of times, but currently, Europe is the only region in the world in which the Capital

Offence has been entirely abolished. Ergo all states that are part of the European Council have abolished Capital Punishment [15], it being the primordial condition of the adherence to said organization of a state. Euthanasia and suicide are limits that the owner of the right to live is imposing to themselves of their own volition. On the one hand, euthanasia is that way of ending the right to live in justified circumstances, by a medical order [16]. This fact determines the protection of the right to live to be analyzed in correlation with an eventual right to die. Constantly the international regulations and jurisprudence have been against euthanasia, [17] a fact that makes us conclude that, at least at an international level, states do not unanimously acknowledge the right to die of the law subject. Given the circumstances more and more states, such as Belgium, Canada, Colombia, Switzerland, Netherlands, Luxembourg as well as some states from the USA, are admitting to the breeching of the right to live, in this way. On the other hand, suicide is the manifestation of the owner of the right to live giving up on it; it being a way through which they end their life. The reason for this decision is usually made up of personal problems, that determine the subject to put an end to their existence. Suicide is a purely individual act, committed by the owner of the right to live, in which they are exercising a freedom, on their own volition, if, through their actions they do not violate the rights of other people [18].

Another limit to the right to live, that we have previously mentioned, consists of the cloning of human beings. This, even though it does not affect, or better put, limit the right to live directly, represents the possibility of obtaining identical individuals, through the performance of genetic engineering which, directly affect the quality of life of the person after whom the clone was made. The legal cloning of human embryos is limited to producing cells with the sole purpose of medical research.

There must be held account of the fact that this operation of human cloning is violating the dignity and respect owed to each person, as it undermines the person's rights and identity. The international society has firmly put itself against Human Cloning [19].

### **The Jurisprudence of the European Court of Human Rights, According to the Violations of the Dispositions Pertaining to the Right to Live**

The wife of the petitioner, Viorel Crăiniceanu, Aurica Crăiniceanu, being 27 years of age at the time of the acts, has been shot on the 25<sup>th</sup> of September 1991, during the protests that took place in front of the Government.

The sons of the spouses Ștefan and Luciana Maria Frumușanu, being 24 years of age at the time of the acts, was also shot on the 25<sup>th</sup> of September 1991, during the same protests.

According to the formal accusation made by the Military Prosecutor's office, on the 25<sup>th</sup> of September 1991, around 14:30 important groups of miners, accompanied by civilians have come to protest in front of the Government's Headquarters found in Victory Square. Seeing the magnitude and violence of the protesters, the authorities have taken additional security measures to assure the protection of the Government Headquarters and the members of the Government, therefore deciding the intervention of armed forces. Thus, military and police forces were placed inside the government building, and three other military garrisons were stationed outside. The military used rubber batons and tear gas to remove the protesting crowd.

The violence amplified in such a way that the Prime Minister and the other members of the Government that were present decided to leave the headquarters for security reasons, the protesters threatening repeatedly that they will penetrate the building. All civil staff have been evacuated, except for three government attendants. Around 18 o'clock the intensity of the confrontations between the protesters and the armed forces amplified, especially against the forces that circled the government.



Seeing this situation, a captain made use of a firearm, from the second story of the immobile where he was. He fired some shots at the crowd, aiming for the building site of an immobile where several protesters were meeting. At that moment, the spouses Viorel and Aurica Crăiniceanu were making their way towards Victory square being next to the building site. Aurica Crăiniceanu was shot in the chest with a 26 mm projectile and admitted into the emergency room where she died the next day.

On the same evening, the second victim, Andrei Frumușanu was shot with the same type of projectile on the building site and died from the wounds while he was transported to the hospital.

### **Complaints to the Court**

Invoking article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms [20] (right to live) and the decease of their wife and son respectively, Mr. Crăiniceanu and the Frumușanu family, reproached the authorities for not carrying out an efficient, impartial, and diligent investigation for identifying and sanctioning the responsible.

The court noted that in 1991, a short time after the events happened, the authorities opened an investigation of their own motion. Nevertheless, 25 years after the fact, and in spite of the interest of the general public of finding who was guilty of the death of Aurica Crăiniceanu and Andrei Frumușanu during the repression from the 25<sup>th</sup> of September 1991, the investigation and criminal procedure was still not finished.

The court also pointed out that the investigation was passed on to the military prosecutors that, as well as the accused, also subordinated to the military hierarchy. Besides, the accused were some of the most important military officials and were still in function.

Moreover, even the authorities have noticed shortcomings in the investigation more than once. For example, the decision of the 14<sup>th</sup> of December 2000, of the Supreme Court of Justice ordered the resending of the case to the General Prosecutor's office, for a completion of the investigation. The same thing happened with the pronouncement of the definitive decision from the 26<sup>th</sup> of January 2011 of the Military Tribunal, through which it was ordered the completion of the investigation, also showing which documents were supposed to be realized in order to: "respect the necessity of an efficient investigation that will before the ending of the special prescription term of 22 years and six months- establish the truth, identify and punish those responsible for the murder through shooting of Frumușanu Andrei and Crăiniceanu Aurica."

ECHR [21] also remarked the lack of collaboration between the institutions implicated in the repression and destruction of the pertinent proof pertaining to the events happened on the 3<sup>rd</sup> of November 1992, aspect of the case about which The Guarding and Protection Service (SPP) was deposed on the 28<sup>th</sup> of April 1994 (according to ECHR's decision).

At the same time, the court also had also taken into account, at the time of judgment, a press release from the Military Prosecutors Division, from the 23<sup>rd</sup> of December 2011, according to which some informations we are requested from the RIS (Romanian Informational Service), the General Inspectorate of Gendarmerie as well as other public institutions, without any of them actually acting on said requests. The Court reminded that the intentional dissimulation of proof is calling into question the capacity of the investigations to establish the facts.

Without undermining the complexity of the case (which, according to the government has materialized in 18 volumes totaling 4383 pages), The Court appreciated that the general socio-political context of time period in question alone, could not justify neither the duration of the investigation, nor the manner in which it has been conducted during this time. On the contrary, the importance for the Romanian society, to know exactly what happened during the protest repression operations that were taking place around the Government on the 25<sup>th</sup> of September 1991, in the Victory Square in Bucharest, should incite the authorities to treat the file promptly and without any tardiness to prevent any appearance that in Romania some acts remain

unpunished. The Court concluded that there has been indeed a breach of the second article. The court established that Romania must pay to the complainant Viorel Crăiniceanu 30.000 euros moral damages and 1000 euros judgement fees, and to the two complainants Ștefan and Luciana Maria Frumușanu 30.000-euro moral damages and 1000-euro judgement fees [22].

### Case Analysis

We consider that the Court's decision to give the families moral damages and money for the judgement fees, is an equitable decision having in mind the observation of the breach of the dispositions of the European Convention on Human Rights, specifically article 2, which is regulated the right to live. The Romanian State has the assumed obligation by the adherence to the European Convention on Human Rights to create a normative framework for guaranteeing the right to live of every person underneath its jurisdiction, but also the obligation to create implementation mechanisms of legal dispositions to sanction the breaches of this right.

### Conclusions

Due to the major importance of the rights that make the “hard core” and especially the right to live, the fundamental rights and liberties of the human must be taken into consideration by all the structures of the Council in their activities, no matter their level or subjects that they refer to. Even though most of them are interconnected, the fundamental rights and liberties can be protected only if the starting point is the protection of the most important of them, namely the right to live. At an international level, many organizations such as United Nation Organization, the European Union, or the European Council, inside of which it was adopted the European Convention on Human Rights, a fight for the creation of a generalist legislative framework, unanimously accepted by states, of recognizing, guaranteeing, and protecting the rights and fundamental freedoms of the human. Alongside this many other organizations with a protection role over human rights, there also exists a specialized organism which treats all aspects related directly to the fundamental rights: The working group for fundamental rights, citizens' rights, and the free circulations of the persons [23].

### REFERENCES

- [1] For more details, see the second article from the European Convention for the Protection of Human Rights and Fundamental Freedoms, available online, at: [https://www.echr.coe.int/documents/convention\\_ron.pdf](https://www.echr.coe.int/documents/convention_ron.pdf)
- [2] The Covenant on Civil and Political rights (The Rezolution of the General Assembly of the UN, A/XX/ 16. 12. 1966), available online, electronically, at: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/82590>
- [3] Consequently, this right is protected by many international documents. For details on the protection and guarantee of the right to life through the Charter of Fundamental Rights of the European Union, see Cătană E.L., Toncean-Luieran I.R. (2018), *European Union law: history, institutions, sources, fundamental freedoms, jurisprudence (Dreptul Uniunii Europene: istoric, instituții, izvoare, libertăți fundamentale, jurisprudență)*, Publishing House Universul Juridic, Bucharest, pp. 188-189.
- [4] For more details see The European Convention on Human rights, Article 2, available online at: [https://www.echr.coe.int/documents/convention\\_ron.pdf](https://www.echr.coe.int/documents/convention_ron.pdf)
- [5] The Covenant on Civil and Political rights (The Rezolution of the General Assembly of the UN, A/XX/ 16. 12. 1966), available online, electronically, at: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/82590>
- [6] It came into force at the first of March 1985. The text, in Cloșcă și colab., op. cit., p. 71
- [7] The Covenant on Civil and Political rights (The Rezolution of the General Assembly of the UN, A/XX/ 16. 12. 1966), available online, electronically, at: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/82590>
- [8] Purdă N. (2001). Protecția drepturilor omului, Ed. Lumina Lex, București, pp. 45-46.

- [9] Idem p. 200
- [10] Idem p. 201
- [11] Orthodoxism has always supported the idea that human life begins at conception- the fertilization of the ovum.
- [12] Miga Beșteliu R., Brumar C. (2008). Protecția internațională a drepturilor omului, Editura Universul Juridic, București, p. 111, apud Purdă, N., Diaconu, N. op. cit., p. 201.
- [13] Stoica, O. (1975). Drept penal. Partea specială, Ed. Didactică și Pedagogică, București, p.65; Cioclei, V. (2007). Drept penal. Partea specială, Ed. Universul juridic, București, p. 39, apud Purdă N., Diaconu N., op. cit., p.201.
- [14] Purdă N., Diaconu N., op. cit., p.202
- [15] Ibidem
- [16] Boroi A. (1996). Infrațiuni contra vieții, Ed. Național, București, p.39, apud Purdă N., Diaconu N., op. cit., p. 201
- [17] In this sense, by the Decision in *Pretty v. United Kingdom* from the 29<sup>th</sup> of April 2002, The European Court on Human Rights, assessed that the interdiction of Euthanasia does not breach the right to live, and refused to recognize the person's right to die.
- [18] *Ibidem*
- [19] *Ibidem*
- [20] Look at Article 2 from The European Convention on Human Rights. The right to live: (1) All persons have the Right to Live (2) Nobody can be condemned with the Capital Punishment, or Executed, Found online at: [https://www.echr.coe.int/documents/convention\\_roman.pdf](https://www.echr.coe.int/documents/convention_roman.pdf)
- [21] The Convention for the Protection of Human Rights and Fundamental Freedoms, known colloquially as The European Convention on Human Rights, it's a catalogue for the fundamental rights, elaborated by the European Council, and signed on the 4<sup>th</sup> of November 1950 in Rome, came into power on the 3<sup>rd</sup> of September 1953 and can be found online at: [https://www.echr.coe.int/documents/convention\\_roman.pdf](https://www.echr.coe.int/documents/convention_roman.pdf).
- [22] For details pertaining to this case, look at <https://jurisprudentacedo.com/Crainiceanu-si-Frumusanu-c.-Romaniei-Statul-Roman-plateste-62000-EUR-pentru-incalcarea-dreptului-la-viata.html>
- [23] It works inside the European Union and watches over matters related to the EU Charter of Fundamental Rights, and their promotion inside the Union, as well as the negotiations of the adherence of the EU to the European Convention on Human Rights.

# **Victims of Crimes Against Sexual Freedom and Integrity - Victimology Study**

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## **Abstract**

The study of crime requires not only knowledge of the offender, but also of the person who directly bears the effects of committing a crime, i.e. the victim.

This paper combines a theoretical and a practical approach, starting from some introductory notions, such as victimology, which is the science of the victim's personality and behavior in relation to the direct consequences of the criminal act on the victim.

The study then includes references to the notion of victim, thus familiarizing us with the concept, in which sense a brief historical approach to the subject is given. The victim is also interpreted from the point of view of his or her behavior, way of life and typology.

Throughout the article we have also referred to the concept of victim vulnerability, which is the degree to which a person is likely to become a victim.

A key point of the paper is the position and situation of the victim after the crime, which is illustrated by a case study.

The final chapter of the paper covers measures for the protection of victims of these crimes as well as crime prevention. Finding ways and means to fight crime is about creating a safe space for all members of a community.

*Keywords: victimology, victim, victim vulnerability, rape, protection, safety.*

## **Introductory Notions**

### ***Definition of Victimology and the Victim***

As a result of the merging of the notions of “victim” and “logos”, the concept of victimology claims more and more insistently a place within sociological, legal, and psychological concerns. Although this science was included in criminology, today it represents an independent discipline [1]

According to the dictionary of criminology, victimology is a branch of criminology, which studies the personality and behavior of the victim in relation to the direct consequences of the criminal act on the victim. The victimological theory consists in the fact that the victims of crimes become people who possess psycho-social traits that make them susceptible to falling victims of criminal acts. It is considered that in many cases the behavior of the victim is decisive in triggering the criminal behavior. Starting from these considerations, victimological research seeks solutions to remove these particularities and to reduce their effects. [2]

At the origin of victimology are the research of the American criminologist Hans von Hentig (The criminal and his victim, 1948). Later, the concept of criminological victimology was used as a framework for researching the victims of social phenomena (political repression), natural (floods, tornadoes) or other phenomena (road accidents). Thus, victimology was constituted as

a branch of sociology in general, later becoming the object of study of other fields such as legal and psychological. [2]

The victim is the main object of study of victimology. She represents the person who bears the consequences of the crime. These consequences can be both physical and moral or material in nature. Certain classifications divide victims into direct and indirect. Thus, direct victims are the people who directly bear the criminal action, and indirect victims are the people on whom the successive consequences of the criminal act fall. For example, the direct victim of the crime of rape is the assaulted person, and indirect victims are his family, friends and the society that is endangered by the existence of such behaviors that disrupt social life. [2]

Criminology studies victims from a victimological aspect and the consequences of crime. In this way, she tries to reveal those features that subject the person to an increased risk of becoming a victim to prevent the commission of crimes, but also to protect the victim. On the other hand, studying the consequences of crime involves looking at victims, to whom several crime effects are directly related [2]

Sexual life represents an important value that identifies with the person himself. It appeared together with the person, as a social individual. Its character and forms changed as the social structure reformed. Structure that directly exerts its influence on the person.

Crimes related to sexual life have a deep anti-social connotation that causes harmful repercussions on the social level. Since the fulfillment of the inalienable attributes of the person in the sphere of social relations regarding sexual life represents one of the bases of society's existence, the damage to these relations generates a state of social danger. That is why the criminal reaction against these crimes is necessary [3]

### *Victim Typology*

Human behavior cannot be classified and labeled in strictly distinct and clearly established individual categories, which is why any classification is arbitrary. [4]

Attempts to classify victims involve a multitude of difficulties related to the diversity of crimes, responsibility, and the role the victim plays in the commission of the crime. [4]

Referring to all the problems raised by the rigorously scientific classification of the victim in a certain category, many authors tried to make classifications according to several criteria. [4]

One of the most valuable classifications is that of Stephen Schafer. He uses as criterion the degree of participation and responsibility of the victim in committing the crime, talking about 7 criteria of victims: **victims who before the criminal act had no connection with the criminal** (the meeting between the victim and the criminal is accidentally), **provocative victims** (those who prior to their victimization they committed, either consciously or unconsciously, something towards the criminal), **victim who precipitate the initiation of the criminal's action** (people who through their behavior influence the criminal to commit the crime), **biologically weak victims** (people who present weaknesses from a physical or mental sickness and are more easily victimized), **socially weak victims** (people who belong to ethnic minority groups or who belong to non-accepted religions by society), **self-victimizing victims** (direct the aggression on the person), **political victims** (person who suffered because of their political beliefs). [5]

Most often the victim who present a higher degree of vulnerability are women, children, and the elderly, given their biological and psych behavioral characteristics. Women have suffered many forms of humiliation, disregard and even mistreatment over time. The forms of victimization have varied from one culture to another, from one stage of life to another, from less aggressive to highly traumatic forms. [5]

Over time, social transformations and socio-cultural changes have played a particularly important role on femininity and the role of women in society, as well as on the relations between femininity and masculinity. Women's access to education and culture, the exercise of profession and the assumption of roles belonging to men reduced the divergences between femininity and masculinity. [5]

The tendency of masculinization of women, which is manifested both by clothing and by the way they talk, the legal consecration of their emancipation from a legal point of view also brings about changes in the structure of cases of crimes committed by women. According to a study, it was found that in the recent decades there have been mutation in the psych behavioral structure of women, in the sense of increasing their tendency towards masculinization. Such tendencies favor the emergence of deviant behaviors, including antisocial. [5]

## Case Study

Rape, although it is a regrettable phenomenon, seems to be a reality that has always been present throughout human civilization, and even today we are talking about thousands of cases of rape or sexual assault [6]

In general, rape is regarded as a crime against women, historically it has been defined as such, but gradually the idea that men can also be victims of this crime began to take shape. According one study, in 1998, 2.78 million men in the United States were victims of rape. The same study also shows that 3% of American men have been victims of this crime at least once in their life. And every day, one in 10 rape victims is a man. [7]

The rape of one man by another man was heavily stigmatized. As a group, male victims report a lack of support, as most of the association that help rape victims (SOS Women, Women Stop Violence) tend to exclude men because of the name used. Also, rape between men is normally in prison. [7]

Looking at the rape crimes with female preparators, studies show that half of the rapes reported by men are committed by women [7]

Although there are numerous statistics, rape committed against men is a taboo subject and there are few cases in which such a crime is reported.

The idea that women could not rape a man is strongly rotted, considering it is impossible for a man to be forced, for biologically obvious reasons, to have sexual relations against his will. However, according to a study from the Archives of Sexual Behavior it is shown that although it initially seemed impossible for a man to sexually respond to a sexual molestation from a woman, in reality the sexual response can occur in the case of several emotional states, including anger and fear. [8]

Among the female we will mention Valeria K. nicknamed 'The Black Widow', a 32-year-old Russian woman who was arrested for sedating and raping 10 men.

Operation mode:

- All the victims are male, and comes from the city she lives in
- She takes the victim home
- She serves the victim with a glass containing a drink mixed with clonidine (a substance used in hypertension conditions. In large quantity causing dizziness, dry mouth, headache, drowsiness, and hypotension)
- She undresses their victims
- She binds their victims; she bides inclusive the genital area so that they look like they have an erection [9]

When we talk about the perpetrator of serial rapes, we refer to a sexually unbridled person. Most often such people plan the act in the smallest details, find the perfect timing for the rape, and plans strategies to reduce the victim's resistance to the criminal act (she sedates them with

clonidine). It is obvious that we cannot speak of a criminal who acts from an uncontrollable impulse. In most cases, serial rapist tends to learn from one rape to another, thus perfecting themselves. In this way they become more and more satisfied with the way they recognize vulnerable victims, but also with the way they choose the right moment to act. [10]

Another aspect establishing the serial rapist profile is his relationship with the external environment. Most often the rapist holds little power on the social status, in this case, the social status is doubled by inferiority feeling. Thus, rape is not seen as a sexual act, but as a way for rape to feel, at least momentarily, strong. [10]

Serial rapists are often smarter, charismatic, with an active social life. They usually come from environments with an above-average social level but have distant relationship with their parents or they have been abused by them in childhood. Their motivation in committing rapes is strongly linked to the desired to feel strong. [10]

Referring to the victims, they go through a psychological trauma that involves losing control of their own lives and intensely experiencing the feeling of powerlessness and helplessness. In the case of male victims, they feel much more strongly the feeling of vulnerability and embarrassment caused by the act and can be led to a predisposition of them to become drug or alcohol users.

Trauma caused by rape leads to Posttraumatic Stress Disorder (TSD) (about 1/3 of the raped man). Among the diagnostic criteria of TSD are suicide, serious injury, the presence of flashbacks, avoidance of areas associates with the occurrence of the event. Victims are incapable of remembering important aspects of the act, the presence of negative thoughts about themselves and others, distorted thoughts, feelings of anger, fear horror (‘Are there certain things that you just don’t think can happen to a man, do you understand? Now I know that sexual violence against men is an enormous problem, everyone has heard the story of women, but no one has heard those of men’), it shows alterations in excitability. [11]

Depersonalizations and derealization may also occur. Depersonalizations involves recurring experiences of the feeling of being detached, as if you were the spectator of your own life. Derealization involves recurrent and persistent experiences of unreality of the environment. [11]

## **Victim Protection Measures and Crime Prevention Measures**

The behavior of people with high victim potential is very important in terms of work to prevent victimization.

In the prevention activity it is necessary to pay attention to the circumstances in which the crime was committed.

Victimological prevention is achieved through various measures of an economic, political, legal, and educational, measures aimed at preventing victimization by reducing those victimogene situations. They generally refer to offenders and victimized persons.

In order to take some effective preventive measures, it is absolutely necessary to know the victimological reality. The population must be trained in the knowledge of the laws, but also to apply them. However, reality demonstrates the opposite, in that only few know the laws and the one that know them choose to ignore the laws, which is a victimogene factor. [12]

Prevention measures must also include anti-delictual training of the high-risk victim population. In order to achieve this, partnership must be established with the media, with the educational institutions, but also with religious services [12] Talking about male victims it is necessary to eliminate the stereotype that they cannot be victims of rape. In this area, a particularly important role is also played by some research and activist for men’s rights, who distort the results on violence against men.

Men have far greater difficulty than women in reporting the incident, the main reason being that all cases of men raped by women go under a comical note and rarely are taken seriously. It is precisely for this reason, in that order to put an end to crime in this area, it is necessary to give more support to male individuals.

## Conclusions

As we have said before, victimology is a branch of criminology, which deals with the study of personality and behavior of the victim in relation to the direct consequences of the criminal act on the victim.

According to victimological theories, the victim- the main object of study of victimology, is a person who possess certain traits that make her vulnerable in front of the criminal act. For this reason, criminological research is concerned with identifying and eliminating those victimogene factors.

Crimes against sexual freedom and integrity have a deep antisocial connotation because the fulfillment of the inalienable attributes of people in the sphere of social relations regarding sexual life is one of the bases of the experience of society, their harm generates a strong state of social danger.

When we talk about crimes against sexual freedom and integrity, we instantly mean rape crime, thinking instantly and involuntarily of women. However, reality has demonstrated the opposite, with more and more cases of rape committed by women against men or men against men.

Today, due to the tendency to masculinize women and feminize the men, or in other words to reverse the roles of individuals in society, this type of aggression appears, somehow, as a normality. Referring to the woman as an increasingly active character in the sphere of activities previously considered as belonging to masculinity, it was only a matter of time that those deviant, even antisocial behaviors appeared.

The rape committed by a woman is a taboo subject and only few studies deal with that, and fewer are the cases in which the victims report this crime. If in case of female victims, there is a reluctance to declare these facts, in the case of male victims, situation is even worse.

Most often cases of men raped by women go under a comical note, being rarely taken seriously. Until society understands that not only women, but also men can be victims of rape crimes, it will be impossible to stop this phenomenon.

## REFERENCES

- [1] See, Butoi T. B. (2019). Victimology- university course- legal, socio-psychological and medico-legal perspectives on the victim-aggressor couple, Pro Universitaria Publishing house, Bucharest, p. 21;
- [2] See, Bejan O. (2009). Dictionary of Criminology, Chisinau, p.p. 121-129;
- [3] Diaconescu, A. (2018). Criminalization of crimes against sexual freedom and integrity, Universul Juridic Magazine, no. 4, p.p. 78-80;
- [4] Bulat I. (2013). Victimology and Victim Psychology, Institute of Criminal Sciences and Applied Criminology, Chisinau, p.20;
- [5] Butoi T. B. (2019). *cited work*, Pro Universitaria Publishing house, Bucharest, p.p. 161-162;
- [6] Manea T. (2021). Rape from Psych criminological perspective, Universul Juridic Publishing house, no. 12, p. 126;
- [7] For more details acces, <https://www.rainn.org/statistics/victims-sexual-violence> ;
- [8] <https://romanalibera.ro/special/cum-un-barbat-poate-fi-violat-de-o-femeie-234720/>;
- [9] <https://ziare.com/magazin/experiment/rusoaica-judecata-pentru-ca-a-violat-10-barbati-790858>
- [10] Manea T. (2021), *cited work*, Universul Juridic Publishing house, no. 12, p.p. 128-132;
- [11] Public Ministry (2022), Theoretical and Practical Guide on the Rape Crime, p.p. 20-23;
- [12] Hotca M. A. (2006), Victim Protection. Victimological elements, C. H. Beck Publishing house, Bucharest, p.p. 122-128.



## The Serial Killer

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### Abstract

The article started from the notion of “serial murders”, which brought to the fore the idea of the murderer who kills several victims and who disappears at different intervals, one by one.

Such a killer often has assets (intelligence, physical qualities, etc.) that help him to achieve his criminal purpose, and thanks to his flexibility and mobility he is willing to move regardless of distance in search of the "perfect victim", but at the same time vulnerable.

The instinct to kill is either inherited or acquired during life, usually as a result of childhood trauma.

Practice has shown that in many cases, such a killer “signs” and customises his own *modus operandi*, which increases the likelihood of discovery and identification in a shorter time.

*Keywords: serial killer, serial murder, murderer, murder, modus operandi, signature.*

It is enough to mention the term “murder” and we can already imagine the most heinous things that an individual is capable of doing, since to end up taking someone's life with your own hands and in a grotesque, horrific way is very serious and for this act it is necessary that there are consequences and that the perpetrator is held criminally responsible.

The serial murderer is the perpetrator of several crimes that are repeated over a period of time, from a few days to a few years, and who in most cases seeks to derive some degree of pleasure from his or her actions. This serial killer is characterised as a psychopath, but is also criminally responsible for his actions, except in certain cases where a psychological expert has diagnosed him as having a psychotic disorder, which cannot make him responsible for his actions and therefore cannot be convicted.

Among the general characteristics of a serial killer, I mention the fact that there is no connection between him and his victim. In other words, the killer does not know his victim, which obviously makes it more difficult for investigators to find the perpetrator and so they end up resorting to the technique known as 'profiling', namely criminal and behavioural analysis to try to identify the perpetrator.

Another iconic trait of serial killers is that they are described as intelligent, charming, handsome and generally very clever. These people are mobile individuals, capable of travelling miles in search of the perfect victim, in other words, someone who is vulnerable and easy to control [1]. Among their victims, we most often find women, children, prostitutes, homosexuals and vagrants. Criminals are highly manipulative and able to 'fool' their victims, especially on their own turf, which can also be characterised as their comfort zone, where they can implement their plan and control their victims.

In the motivation of the serial killer, we have the psychoanalytic motive, namely the repetitive process, i.e. the deflection of sexual instinctuality in the sense of the formation of a repetitive, bio-instinctual or even hormonal constitutional mechanism that presses cyclically, tensionally determining the sexual orientation in the direction of rape with the suppression of life and which, episodically, the sexual psychopath, although aware of what he is doing, cannot control no matter how hard he tries, from which it also follows that direct intention makes him

fully responsible. As an example, we have the serial killer Williams Heirenes, a student at the University of Chicago, about whom authors Robert K. Ressler and Tom Shachtman, in their paper, refer to the desperate message of the killer who, with the lipstick of one of the victims, had written on a mirror “For God's sake, arrest me before he grabs me again. I can't help it!”.

However, the serial killer also takes great pleasure in exercising power and control over the victim's life, the sexual act being secondary. He is so aroused by the cruelty of his act that he often ends up torturing his victim to death [2]. What is grotesque is that this individual, in order to enhance his fantasy, when he does not have a 'puppet' to play with, records his victim's screams of pain on tape, films them in the most inhuman conditions, anything to create his own pleasure, and even to terrorise future victims. For him, the mutilation of the victim is an indescribable joy, an immense satisfaction, and at the same time, by the horrors to which he subjects the victim, he wants to shock the authorities or, on the contrary, to make them feel guilty. Many perpetrators were under the influence of drugs and alcohol at the time of the crime, which is why their sadistic fantasies are exacerbated.

Serial killings tend to increase as time goes by, as the murderer feels the need to kill more and more, becoming a necessity for him, even an obsession. And precisely as he became more daring in his captures, the criminal was no longer so careful about caring for the authorities, so he was more indifferent to risk and often ended up being caught in the end. So this type of individual, until he is caught and locked up for life in prison, never stops killing. There is no cure for a sadistic sexual psychopath who has become a serial killer [3].

According to the doctrine, there are four general categories of serial killers, namely the visionary type - one who claims to be led by voices or visions in committing crimes, the missionary killer type - an individual who sees it as his life's mission to kill certain types of people, while fighting against those types. We also have the hedonistic type, which I mentioned earlier, i.e. the killer who is conscious of the deeds he has committed, seeking pleasure and satisfaction, and the last type being the power/control obsessed killer - the one who seeks supreme authority over his victims.

Human behaviour and the nature of human sexuality is necessary for the criminal investigator to understand in order to accurately understand why the killer did what they did and to determine how the actions were carried out. Thus, the components of sexual behaviour can be divided into three basic segments: the biological-instinctive, the physiological-functional and the emotional, i.e. mental, the last being the strongest of all three categories. It all starts from the brain, from what we imagine, what we think, so logically from this we deduce that “the mind controls the act”, i.e. it dictates what is and is not arousing for a person. Also, sex, which involves all the senses: touch, hearing, smell, taste and sight, can in most cases be the stimulus that influences a person's arousal, for example by simply seeing a scantily clad woman or even smell, when she has a pleasant perfume. And when this stimulation is taken to the extreme and that individual tends to become an obsessive, through his heightened senses, that deviation occurs, which can very easily go from fantasy to homicide.

In this case we are talking about paraphilia, i.e. the transition from attraction to deviation of individuals who exhibit unconventional sexual expressions, which are also very dangerous. Concrete examples of dangerous paraphilia are necrophilia, paedophilia, sadism, masochism and sadomasochism. Homicide of a sexual nature, i.e. both rape-murder and murder involve anal and oral sadomasochism, as do other acts of sexual perversion. The murderer is most often a man and the victims are women or young children. Homicides of a homosexual nature have also become common and involve male victims killed by other men or female victims involved in a lesbian relationship and in turn killed by other women.

Also, research by the FBI's Behavioral Studies Group has found both similarities and commonalities and differences between offenders in sexual homicides. So, we have the organized and the unorganized offenders [4].

Organized criminals are highly intelligent, they have an IQ of 123. In most cases, they plan each crime in detail from the way they abduct their victims, they have an excellent ability to adapt and improvise, they always seek the company of people with whom they feel at ease and they also show excellent acting skills in dealing with them. Their intelligence is native, with the ability to hide their tracks very well, whether they hide the body or bury it in a deserted place. Organised killers enjoy a social status in society, so they do not internalise inferiority complexes, they easily externalise their feelings and emotions, and they also profile themselves as a “Pinotelian” personality, i.e. self-centred, insensitive, immoral, who does not know what a sense of shame or pity means. Capable of perfecting their crimes over time according to their own fantasies, these individuals plan their attacks, personalising their victims according to their imagination.

A logic also expresses the place of crime, they have a structured, organised, thought-out modus operandi designed to ensure their success, but also satisfactions they have never experienced before. They have their own weapon, which they do not leave at the scene of the crime once they have used it; they wipe the traces left behind - fingerprints, blood on clothes or surfaces, they even go so far as to strip the victim naked, leaving him uncovered, while the clothes are destroyed and the body hidden. Organised killers are usually found because they have been denounced by relatives or acquaintances they have met in the course of their crimes.

At the opposite pole of serial killers, we have the disorganised killers. They can be characterised as chaotic in their thinking and actions, their crimes being spontaneous and unpredictable. They do not show intelligence, but on the contrary are mentally retarded, which is why their ability to adapt and improvise is also quite poor, they are immature, people who have not found a purpose in life, live in a very disorganised way, rarely having a job and also sexually incompatible. Unlike organised criminals, they don't try to hide their crimes, the crime scene is always full of clues. Their attack on the victim is sudden, spontaneous and the victim is chosen at random, usually from nearby. They do not come prepared to the scene of the crime with a gun on them, and if they do, they easily abandon it immediately after the crime. They could easily be caught after the first crime, but often they are not.

A common aspect of serial killers is the desire to take so-called “trophies” and body parts from the victim, which the individual ends up attributing to themselves after the act of murder. This represents the perverse desire for the sensations that the murderer relives from the crime [5].

On the psychological profile of the serial killer, studies show that human beings can acquire the instinct to kill during their lifetime, with many murderers being survivors of childhood trauma. They have been physically or sexually abused, come from dysfunctional families in the sense that their parents did not know how to care for their children, were either too distant or often absent. The one common theme found in the biographies of most serial killers is trauma, which somehow also makes sense why they later ended up committing such acts. Their unstable backgrounds lead them to create their own universe and to have totally misguided ideas about what is normal in a society, and they end up becoming increasingly violent, until they actually commit murder, and not just one, and end up with an impressive number of victims. Because of the traumas they experienced as children, these individuals have never known how to behave in society, how to react when they are around other people, how to socialise and how to integrate into a community, which has led them to be very reserved. At the same time, these people believe themselves to be above others, superior and that they are not made to interact with other normal people, considering that they would lower their level.

A real example is the case of Aileen Wuornos, a woman who had a difficult childhood full of abuse, which later led to murder. This woman experienced a tumultuous life, marked at an early age by her father's suicide and the fact that her mother abandoned her, followed later by being brought up by her grandparents, who also had a drinking problem, and that was not

enough, and violence. Aileen ended up being sexually abused by her grandfather and brother, becoming pregnant and then forced to give her child up for adoption. Her teenage years were spent on the streets as her grandparents chased her away from home. All these events were the reason why she ended up killing at least six men in the future [6].

When you want to establish the existence of a serial killer, you have to link one murder to another. Their modus operandi may change along the way, but the only thing that remains the same is the signature, regardless of whether many years have passed since the first crime. The signature is of greater interest to investigators, even more so than the similarities between victims, when trying to uncover the link between the crimes of serial offenders.

In other words, the signature represents that part of the killer's psychological mark, namely that which was not necessary, something he did not have to do to fulfil his plan, i.e. acts unnecessary to kill the victim such as rape, mutilation, torture. FBI profilers describe the “signature” as the realization of a violent killer's fantasy, because it represents a necessity for the killer to express it in reality. However, some details may change from one murder to the next, but these certainly have the same perpetrator. At the scene of the crime, the signature is sometimes even evident in the meticulous attitude he shows in positioning the body in a particular way and in a particular place, or in stabbing the victim repeatedly and in a specific area of the body. In such cases, only experienced investigators can recognise common elements and changes at the crime scene, even before the identity of the victim is known. Serial killers always have a 'signature', either during or after the murder of their victims, and it always remains the same. An example of a signature is that of the Romanian criminal Brânză Maricel, who stripped his victims naked, not completely, dragged them to hidden places, then strangled and raped them beforehand. He also restrained them by tying their hands, left them without possessions, and later found traces of semen on their bodies and anal tears [7].

## Study Case

The serial murderer Ion Râmaru was active between April 1970 and May 1971 in Bucharest, where he committed four murders, eight attempted murders, one rape and one robbery and was subsequently sentenced to death and executed. He initially admitted the crimes he had committed, after which he denied all allegations. The murderer operated at night, waiting for his victims, who were always women, in dark places in the street. He assaulted them mainly by hitting them with blunt or sharp objects, and had sexual intercourse with six of the victims.

This Ion Râmaru also had his own characteristic signature and so we find the presence of excessive violence in ten cases, the moving of the corpse in six cases, as well as their laying in a certain way, the presence of semen also in six cases, bite marks on the victims' bodies in three cases, the women's underwear in six cases was cut, and in one case, the sucking of blood, hence the nickname “the vampire of Bucharest”.

Five characteristics of the “signature” were found in the four sex killings and two more rapes, namely positioning the body, excessive violence, cutting of underwear, moving the body and appropriation of objects. As a typology, we are dealing with an organised killer in that he acts with premeditation, his victims are unknown, he is in control of the crime scene, he acts violently before causing the death of the victims, and he also lacks traces at the scene and transports the victim's body.

## Conclusion

Serial killers have been and will always remain a very controversial subject for our society, as a murderer is a man who commits a crime, just as a sick man is a man who suffers from a disease.

And in this case, we are talking about serial killers, individuals capable of committing inhuman, grotesque acts throughout their lives, who for one reason or another, due to the environment in which they have lived, through various methods of operation, even if they present the typologies of organised or unorganised criminals, have come to frighten the whole world and terrify it with the acts they have committed. The instinct to kill is predominant, they have an obsession for murder that over the years they have developed more and more, having all sorts of sexual fantasies, which they have also put into practice once they have seen themselves masters of their victims' bodies.

These people need to be carefully studied and understood why they acted as they did, what their motive was and how such horrors came about. But most importantly, they must be captured, to prevent them from adding to their list of “conquests” and punished according to their actions, even with the death penalty, in my opinion.

## REFERENCES

- [1] Butoi S.T. (2009). Criminologie, București: Solaris Print;
- [2] Butoi S.T., (2003), Criminali în serie – Psihologia crimei, București, Phobos Publishing House Word Keeper;
- [3] N. A. T. Butoi, (1997), Psihanaliza crimei, București, Editura Șansa;
- [4] Butoi S.T., (2009), Criminologie, București: Solaris Print;
- [5] Cioclei V. (2011), Manuale de criminologie, Studii criminologice, Ediția 5, București, Editura C.H.Beck;
- [6] Lane B., Gregg W. (1996). Enciclopedia criminalilor în serie, București, Editura RAO;
- [7] Studiu privind criminalii în serie autohtoni, Revista română de criminalistică, (2013), Nr.5, Vol. XIV.
- [8] <https://studreptblog.com/2021/09/09/criminali-in-serie/>
- [9] [https://drept.unibuc.ro/documente/dyn\\_doc/publicatii/revista-stiintifica/Corneteanu%20Viviana.pdf](https://drept.unibuc.ro/documente/dyn_doc/publicatii/revista-stiintifica/Corneteanu%20Viviana.pdf)
- [10] <https://www.scritub.com/stiinta/drept/CRIMINALII-IN-SERIE735221220.php>

## The Ombudsman

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### Abstract

In the following we are going to talk about the institution of Ombudsman, in his capacity as a defender of civil rights and freedoms. Firstly, we will speak about the history of the profession, followed by the Ombudsman' attributes, and ending with articles in the Constitution that regulate the institution of the Ombudsman.

*Keywords: Ombudsman, civil rights and freedoms, Origins, Institution, Constitution.*

### The Origins of the Institution of Ombudsman

The institution of the Ombudsman appeared in Sweden, in the year 1809, thanks to the Parliament that introduced the Office of the Parliamentary Ombudsman in the new Constitution. It was designed as a tool that allowed the Parliament to have a certain level of control over the exercise of executive powers, by overseeing the way in which laws are respected by public authorities [1].

But this idea was not new, not even in 1809. The absolute monarch Karl XII created in 1713 the Office of His Majesty's Supreme Ombudsman. At that time, Karl XII was in Turkey (in an area located on the territory of today's Bessarabia) for nearly 13 years, and in his absence the administration became lax about enforcing the laws. Thus, the Supreme Ombudsman was regulated as the king's supreme representative of in Sweden. His task was to ensure that the judges (later and civil servants in general), were acting in compliance with the laws in force and carrying out their activity in other respects. If the Ombudsman considers that the judges are not fulfilling the established duties, he was empowered to initiate legal proceedings against them for dereliction of duty. In the year 1719, The Supreme Ombudsman became the Chancellor of Justice. This office still exists now, the Chancellor of Justice who is acting as Government Ombudsman. In the year 1766, the Parliament elected the Chancellor of Justice for the first time, but from 1772 the appointment of the Chancellor of Justice became a royal prerogative again [2].

According to the Constitution from 1809, the capacity of the state was divided between the king and Parliament. The king appointed the Chancellor of Justice (in other words, this was the Royal Ombudsman), while the Parliament appointed the Parliamentary Ombudsman. The main purpose for which it was created was to protect the rights of citizens through the stability of an oversight authority fully independent of executive power. As the Chancellor of Justice, the Ombudsman's job was to oversee the enforcement of laws by the justice system. Thus, the Constitution of 1809 stipulated that the Parliament appoint a person to the position of Parliamentary Ombudsman “known for his judicial competence and exemplary probity”. Therefore, its role was to watch over the protection of citizens' rights. For example, among the duties of the Parliamentary Ombudsman is to encourage the uniform application of legislation and clarifying legislative obscurities. Its activity is carried out mainly in the form of inspections

and investigations. Complaints played a relatively insignificant role in the early period. In the first century of the existence of the Parliamentary Ombudsman, the total number of complaints was about 8000 [3].

### **The Institution of the Ombudsman in the World**

The next Parliamentary Ombudsman appeared in Finland, regulated by the 1919 Constitution. The idea attracted attention outside of Scandinavia, following the regulation of the Ombudsman Institution in Denmark, in 1954. After 1960, the concept of the Ombudsman has spread so quickly that nowadays, it exists everywhere in the world, 218 Ombudsman institutions (national, regional, municipal, specialized ombudsmen).

The Ombudsman type institution developed in two forms:

- Ombudsmen with general competence who deals with all problems arising from dysfunctions in the administration;
- Ombudsmen with special competence who is specialized in a certain field (for example: child protection ombudsman, ombudsman for consumer protection, ombudsman for financial services, ombudsman for equality and anti-discrimination, ombudsman for persons with disabilities, ombudsman for the military, etc.).

### **The Institution of the Ombudsman in Romania**

The ombudsman is appointed in the joint session of the two Chambers of Parliament for a period of 5 years, with the renewal of the mandate being possible only once. During his tenure, the ombudsman cannot hold any other position, whether public or private, apart from teaching positions in higher education.

The Ombudsman is helped by assistants, appointed by the permanent offices of the Chamber of Deputies and the Senate, and the fields of activity are established by Law no. 35/1997 regarding the organization and operation of the Ombudsman institution, republished [4]. The Ombudsman is helped by assistants, specializing in areas of activity: a) human rights, equal opportunities between men and women [5], religious cults, and national minorities; b) the rights of families, young people, pensioners, disabled people; c) the defense, protection, and promotion of children's rights; d) army, justice, police, penitentiaries; e) property, work, social protection, taxes, and duties; f) prevention of torture and other cruel punishments or treatments, inhumane or degrading in places of detention, through the National Prevention Mechanism.

The assistants of the Ombudsman fulfill all the duties that fall according to the field of specialization, as well as any other duties that are entrusted by the Ombudsman. The deputies of the Ombudsman fulfill, in the order established by the Ombudsman, their duties in case of temporary impossibility of exercising the function [6].

These legal provisions create the conditions for increasing the efficiency of the activity of the Ombudsman institution and are consistent with the regulations of other countries where the Ombudsman is organized and operates. Placement of the Ombudsman institution in Chapter IV, Title II of the Constitution, confers that particular legal feature.

In appreciation of its legal nature, we must observe the legal clarifications detailing the constitutional provisions, according to: it is an autonomous public authority and independent from any other public authority, under the law; in the exercise of his duties, the Ombudsman does not substitute himself for the public authorities; The Ombudsman cannot be subject to any imperative or representative mandate; No one can force the Ombudsman to obey his instructions or dispositions; Has its own budget that is an integral part of the state budget; The Ombudsman and his deputies are not legally responsible for the opinions expressed or for the

action to perform, in compliance with the law, in the exercise of the attributions of legal insurance [7].

This is the result of the special constitutional position of the institution and explains why, in fact, The Ombudsman is answering to the Parliament alone, a responsibility that materializes through the obligation to present reports.

The reports may contain recommendations for amending legislation or other measures to protect the rights and freedoms of individuals. Through the special reports submitted to the Parliament, The Ombudsman can point out the shortcomings and serious dysfunctions in the administration and draw public attention to them.

Some features of the institution are explicitly formulated while others result from the systematic interpretation of the constitutional and legal framework [8]. Thus, the doctrine [9] has formulated and systematized the following features of the Ombudsman:

- a) It is an institution;
- b) Organization and operation are stability by organic law;
- c) The head of the institution is appointed by the Chamber of Deputies and the Senate, common;
- d) Present reports only to Parliament;
- e) It is an autonomous public authority and independent from any other public authority, it does not replace the public authorities and cannot be subject to any imperative mandate;
- f) Its activity is public;
- g) The institution has its own budget which is an integral part of the state budget;
- h) The position of ombudsman is assimilated to the position of minister, the position of deputy ombudsman, with that of secretary of state and management positions and specialized execution are assimilated to the functions of the Parliament's services;
- i) During the exercise of the mandate, The Ombudsman is not legally responsible for the opinions expressed or for the actions carried out in the exercise of the mandate, but he can be prosecuted and sent to criminal court for other acts than those required by art. 52 of the law and can be detained, searched, arrested at home, or has preventive status only with the approval of the presidents of the two parliamentary chambers;
- j) The assistants of the Ombudsman cannot be detained, searched, or arrested, without the prior notification of the Ombudsman and have a similar legal regime regarding criminal liability.

The Ombudsman exercises powers, reporting either *ex officio*, or by being noticed through the petitions of the prejudiced citizens in their rights and liberties, within the legal stability limits. The Constitution enforces public institutions to ensure the Ombudsman the necessary help in the exercise of his duties.

To fulfill his constitutional and legal role, the Ombudsman receives, examines, and resolves, in accordance with the law, petitions addressed by any natural person, regardless of nationality, age, sex, political affiliation or religious beliefs.

Petitions addressed to the Ombudsman institution must be made in writing and indicate the name and domicile of natural persons injured in their rights and freedoms, and the violated liberties, as well as the administrative authority or public function in question. The petitioner must prove the delay or refusal of the public administration to legally resolve the petition.

Petitions addressed to the Ombudsman must be made in writing and sent by post, including the electronic one, by phone, fax, or directly, through audiences. Practice has shown that the main audiences of the means of dialogue with citizens, use in several cases, but also the fastest way to clearly identify the problems of the petitioners, legislative gaps or aggressive regulations to the rights and freedoms of citizens. The petitioner must prove the public administration's refusal to legally resolve the request. Petitions addressed to the Ombudsman are exempt from stamp duty [10].



To solve the problems with which it is referred, The Ombudsman has the right to request the relevant public administration authority, taking measures pertaining to the area of rights and freedoms of natural persons, as well as to notify the hierarchically superior public authorities, in relation to the lack of reaction of those summoned to order the necessary measures.

The Ombudsman has the right to ask the public administrative authorities for any necessary information or documents and, to hear and take statements from the heads of public administration authorities and from any official who can give the information necessary to resolve the petition. Also, in the exercise of his duties, the Ombudsman issues recommendations. Through recommendations issued, the Ombudsman notifies the public administration authorities of the illegality of administrative acts or facts. This mode of action expresses the particular nature of the Ombudsman's function; thus, it is strongly offered for sale or confrontations or foreclosures, but by its power of persuasion and public denunciation [11].

### **The Competence of the Ombudsman in the Resolution of Petitions Concerning Judicial Authority**

The judicial authority is regulated in the Constitution in Title III, Chapter VI and includes the judicial courts, The Public Ministry, and the Superior Council of Magistracy. The notion of “judicial authority” is broader than that of “judicial power” [12]. The judicial power consists only of the judicial courts. The judiciary is one of the three powers within the constitutional democracy- legislative, executive, judicial - powers found, pursuant to article 1 paragraph (4) of the Constitution, in a separation and balance equation. Courts are thus in particular and specific constitutional relationships with the other authorities and public institutions. This specific identification and relations with the Ombudsman institution explains the prudence of the law when it refers to petitions (requests) that would concern reported violations in the area of justice.

Successive legislative amendments have reached a perfect configuration of the text that refers to the interaction with the judicial authority. Thus, according to article 21 of Law no. 35/1997, in the amended form, “If the institution of the Ombudsman finds that the resolution of the petition with which it was referred is within the competence of the judicial authority, can address, as the case may be, the Minister of Justice, the Superior Council of Magistracy, The Public Ministry or the president of the court, who is obliged to communicate the measures taken”. While the replaced legal text provided that: “In situations where the Ombudsman finds that the resolution of the request with which he was notified is the competence of the Public Ministry, is pending before a court of law or has the object of judicial errors, will notify the general prosecutor or the Superior Council of Magistracy, according to their contest, who are obliged to communicate the conclusions reached and the measures taken”. The refinement of the text meant a correct correlation with the constitutional provisions (using the terminology “judicial authority”) and added the presidents of the courts, thus establishing the possibility of a direct communication of the Ombudsman with these authorities. The justification of said modification is a simple one, but solid. According to article 6 para. 1 of the European Convention, every person has the right to a fair trial, public and made within a reasonable time. The Ombudsman received quite a lot of complaints, especially regarding the excessive procrastination of judgments. Or, this procrastination is, in essence, bureaucratism, this traditional and incurable disease of public authorities.

The competence of the Ombudsman in solving some petitions concerning the judicial authority materializes, in his legal possibility to address the Minister of Justice, the Public Ministry or the president of the court, they are being obliged to communicate finalities regarding the measures taken. It is a legal way by which the Ombudsman can intervene in bureaucratic situations generated by not applying article 21 of the Constitution, which

capitalized on the provisions of article 6 of the Convention for the Protection of Human Rights and fundamental freedoms regarding the rights of the parties to a fair trial and to the resolution of cases within a reasonable time.

The activity of the Ombudsman is complemented by that of the courts. What differs from the courts is that the Ombudsman relies on the experience of dealing with individual complaints to identify and report systemic problems within the public administration [13].

The Ombudsman can get involved in the constitutionality control of laws and ordinances, which is carried out by the Constitutional Court. Thus, the Ombudsman can refer the Constitutional Court regarding the unconstitutionality of the laws adopted by the Parliament, prior to their promulgation by the President of Romania. He can also raise before the Constitutional Court, exceptions of unconstitutionality regarding the laws and ordinances in force. Nevertheless, he formulates, at the request of the Constitutional Court, points of view on the exceptions of unconstitutionality of laws and ordinances, which refers to the rights and freedoms of citizens.

The Ombudsman may also notify the competent court of administrative litigation pursuant to article 3 of Law no. 554/2004 of the administrative litigation, but also the High Court of Cassation and Justice with the appeal in the interest of the law, under the conditions of article 514 of the Code of Civil Procedure or article 471 of the Code of Criminal Procedure, to ensure uniform interpretation and application of the law by all courts.

To facilitate access for all citizens, both from urban and rural areas, at the institution of the Ombudsman, fifteen offices were established on the territory of Romania, which carries out the activity within the territorial jurisdiction of the courts of appeal, are organized in: Alba-Iulia, Bacău, Braşov, Constanţa, Cluj-Napoca, Craiova, Galaţi, Iaşi, Oradea, Pitesti, Ploieşti, Slobozia, Suceava, Târgu-Mureş and Timişoara.

## Conclusion

In conclusion, in agreement with those expressed in the doctrine, the ombudsman is a form of independent control. It presents itself as an option for correcting the mistakes of the public administration, because for citizens he is an expert and impartial agent of the activity does not attract any expense for complaints, without tension [14].

The ombudsman is an extraordinary control body of the public administration located outside the usual procedures for attacking it. Due to the increase in the role of public administration, the danger of abuses perpetrated by this increase. Therefore, a relegalization of administrative activity becomes extremely interesting, especially in the context of the insufficiency of effective control mechanisms, with the risk of facing an increase in state internationalism. In order to achieve a harmony between freedom and authority, it is necessary to control state activity and especially that of administrative activities. Currently, the interest in this institution has increased its close legitimacy with the protection of human rights.

## REFERENCES

- [1] [http://old.avpoporului.ro/index.php?option=com\\_content&view=article&id=67&Itemid=161&lang=ro-ro](http://old.avpoporului.ro/index.php?option=com_content&view=article&id=67&Itemid=161&lang=ro-ro) accessed at 16.05.2022.
- [2] <https://avp.ro/index.php/prezentare/avocatul-poporului-institutie-de-tip-ombudsman/> accessed at 16.05.2022.
- [3] [http://old.avpoporului.ro/index.php?option=com\\_content&view=article&id=67&Itemid=161&lang=ro-ro](http://old.avpoporului.ro/index.php?option=com_content&view=article&id=67&Itemid=161&lang=ro-ro) accessed at 16.05.2022
- [4] Law no. 35/1997 (republished) regarding the organization and operation of the Ombudsman institution, published in the Official Gazette no. 181 of February 27, 2018.
- [5] Human rights and equality between men and women are also a main object for the European Union and United States Organization, and that for their efforts must be accompanied by those made on national

plan by the states, otherwise the first would be futile. See Nagy, O.V. (2022). Egalitatea de șanse, in JOURNAL OF ROMANIAN LITERARY STUDIES is submitted for indexation in the ERIH-PLUS European Reference Index for the Humanities and Social Sciences, Editura Arhipeleag XXI Press, Tg. Mureș, p. 676.

- [6] To be seen art. 10 of Law no. 35/1997 regarding the organization and operation of the Ombudsman institution.
- [7] To be seen art. 2 of Law no. 35/1997 regarding the organization and operation of the Ombudsman institution.
- [8] The Romanian Constitution and Law no. 35/1997 regarding the organization and operation of the Ombudsman institution. The Constitution of Romania was published in the Official Gazette of Romania, Part I, no. 233 of November 21, 1991 and, subsequently, republished in the Official Gazette of Romania, Part I, no. 767 of October 31, 2003.
- [9] To be seen, Muraru I. (2004), *Avocatul Poporului - Ombudsman-type institution*, C.H. Beck Publishing House, Bucharest.
- [10] To be seen art. 18 of Law no. 35/1997 regarding the organization and operation of the Ombudsman institution.
- [11] <https://avp.ro/index.php/prezentare/avocatul-poporului-institutie-de-tip-ombudsman/> accessed on 18.05.2022.
- [12] Muraru I., Constantinescu M., Tănăsescu E.S., Enache M., Iancu Gh. (2002), *Interpretation of the Constitution. Doctrine and practice*, Lumina Lex Publishing House, Bucharest.
- [13] Muraru I., Tănăsescu E.S. (2019), *The Constitution of Romania: commentary on the articles*, 2nd Edition, C.H. Beck Publishing House, Bucharest.
- [14] Maiorescu G.L (1992), *The Ombudsman and the protection of human rights*, in Human Rights no. 1/1992.

# The Form of the State. Comparative Study Romania - Republic of Moldova

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## Abstract

The form of the state is one of the oldest concepts resulting from the study of the state phenomenon in general, of the organization and of the state leadership, in particular. In constitutional doctrine, the form of state is analyzed in three aspects: the form of the state structure; form of government; the political regime. Although different, the three aspects are closely related and conditioned by each other.

Because power has an organized character, there is a close connection between power and territory. The structure of the state in constitutional law refers to the organization of power in relation to the territory. The present study proposes a comparative analysis between the Republic of Moldova and Romania in terms of state structure and government regime.

*Keywords: constitutional law, state, unitary state, Romania, Republic of Moldova.*

## Introduction

The word “state” comes from the Latin “status”, signifying the idea of something stable and permanent. Initially, this word was used to denote cities, Roman-type republics, and other forms of political organization of society. In Ancient Rome, two notions related to the state were used: *res publica* and *empire*, and in Ancient Greece the name *polis* (citadel) or *politeia* (as a form of organization) was used. The notion of state in the modern period was used for the first time in the 16th century, by Niccolò Machiavelli, in the work “Principles”, which describes the state as a human collective generated by a public power [1], having as purpose: ensuring the right of each person to freely use wealth and security.

We can define the state as a socio-political organization, which sovereignly conducts the management of a society (of people established in a certain territory), holding for this purpose both the monopoly of creation and the monopoly of law enforcement and which, exclusively, can compel the execution general will.

So, the state is defined by reference to three elements: the nation (people), the territory and the public power [2].

The form of the state implies: the state structure, the form of government and the political regime. Depending on these criteria, the state will acquire a certain form: unitary state/composite state; monarchy/republic; will have a democratic/autocratic or authoritarian political regime.

## State Structure

The state structure represents the way of organizing state power in relation to the territory. In the practice of the states, two general forms of the state structure are distinguished: unitary states and federal states.

Apart from these two main categories, the constitutional history of some states records particular forms of the mentioned categories. The essential difference between these two forms lies in the fact that in the case of the unitary form, the territory of the state is made up of administrative or political-administrative units. In the case of the federative form, the higher territorial units are political-state units or even subject states of the federation, each of them having its own composition in the legislative system, executive and judicial bodies. The forms of the state structure do not depend on the territorial surface, on the density or number of the population, nor on the political regime or the form of government [3].

The simple or unitary state is characterized by the existence of a single state formation. Returning to the constitutive elements of the state, we mention that unitary states are characterized by only one element: one nation; one territory; a single row of supreme organs of state power [4] (parliament, head of state, government, supreme court of justice, constitutional court).

In specialized literature, unitary states are also qualified as centralized or decentralized.

Decentralized unitary states are characterized by the constitutional delimitation of powers between the central power and the high-level territorial units. The legislative norms must be developed within the framework of the fundamental principles established by the laws of the state and with the condition of respecting the national interests and the interests of other regions.

Relatively decentralized states are characterized by the fact that the higher territorial units have a particularly administrative character and only the lower units are self-administered.

In centralized unitary states there is no local autonomy. Field administration is carried out by the central public authority. Usually, these states have a pronounced authoritarian political regime.

In terms of state structure, Romania and the Republic of Moldova are unitary states. There is only one set of central public authorities: one Parliament, one Government, one supreme court.

Art. 60 of the Constitution of the Republic of Moldova [5], named "Parliament, supreme representative and legislative body", provides in para (1) that the parliament is the supreme representative body of the people of the Republic of Moldova and the only legislative authority of the state. On the other hand, art. 61 of the Romanian Constitution [6], named "Role and structure", at para. (1) states that the parliament is the supreme body of the Romanian people and the only legislative authority of the country. It can be observed through an almost identical text, the establishment of the parliament as being, in both states, formed by the representatives of the people.

The Romanian Government is made up of the Prime Minister, Ministers and other members established by organic law, and the Government of the Republic of Moldova is made up of the Prime Minister, First Deputy Prime Minister, Deputy Prime Ministers, Ministers and other members established by organic law.

If we talk about the courts we can notice a difference between these two states, because art. 126 of the Romanian Constitution provides: "(1) Justice is carried out through the High Court of Cassation and Justice and through the other courts established by law. (2) The competence of the courts and the court procedure are provided only by law. (3) The High Court of Cassation and Justice ensures the uniform interpretation and application of the law by the other courts, according to its competence. (4) The composition of the High Court of Cassation and Justice and its rules of operation are established by organic law. (5) The establishment of extraordinary courts is prohibited. By organic law, specialized courts can be established in certain matters, with the possibility of participation, as the case may be, of persons outside the judiciary. (6) Judicial control of administrative documents of public authorities, through administrative litigation, is guaranteed, with the exception of those regarding relations with the Parliament, as well as command documents of a military nature. Administrative litigation courts are competent

to resolve the claims of injured persons through ordinances or, as the case may be, through provisions of ordinances declared unconstitutional”.

On the other hand, art. 115 of the Constitution of the Republic of Moldova provides: “(1) Justice is administered by the Supreme Court of Justice, the appeal courts and the judges. (2) For certain categories of cases, specialized judges may function, according to the law. (3) The establishment of extraordinary courts is prohibited. (4) The organization of the courts, their competence and the court procedure are established by organic law”.

The official language of Romania is Romanian, according to art. 13 of the Romanian Constitution, in contrast, the state language of Moldova is the Moldavian language, operating on the basis of Latin script, according to art. 13 of the Constitution of the Republic of Moldova.

The territory of the country is divided into administrative-territorial units, in the Republic of Moldova (districts, cities, villages) and in Romania (counties, cities, villages), and the public authorities in these units are uniformly subordinated to the central ones. The entire organization is established by the Constitution.

The Constitution of the Republic of Moldova, in art. 1, para. (1), provides that: “The Republic of Moldova is a sovereign and independent, unitary and indivisible state”. By almost identical text, The Constitution of Romania, in art. 1, para. (1), provides: “Romania is a national state, sovereign and independent, unitary and indivisible.”

The state needs to distinguish itself from other countries, therefore it institutes certain signs that individualize it, represent it and distinguish it. The signs are adopted by special decisions, they confirm the authority of the state wherever they are present. Over time, they become the official symbols of the state presented by: the flag, the state coat of arms and the state anthem. The symbols of the state are the expression of its national being, the historical development of its people.

The state symbols of the Republic of Moldova are official symbols of its sovereignty and represent the unity of the people. They highlight the significance of the past, reflect the present and symbolize the future of the state. The symbols of the Republic of Moldova represent the democratic principles of the state, the historical tradition of the people, equality of rights, friendship and solidarity of all its citizens.

Article 12 of the Romanian Constitution is entitled “National Symbols”, the article being included in Title I “General Principles”. It provides:

(1) The flag of Romania is tricolor; the colors are placed vertically, in the following order starting from the lance: blue, yellow, red.

(2) Romania's national day is December 1.

(3) The national anthem of Romania is “Deșteaptă-te române”.

(4) The coat of arms of the country and the state seal are established by organic laws.

## **Government Regime**

Regarding the approach to the concept of “governance regime”, from the start we must mention that this is a relatively new one introduced in the political circuit and less so in the legal one. I mention that states are divided into republics and monarchies, and republics, in turn, are divided into presidential, parliamentary and mixed.

The origin of the term “regime” comes from the Latin “regimen”, which means administration, government. According to the Explanatory Dictionary of the Romanian Language, the notion of “regime” is given the following meanings: system of organization and management of the economic, political and social life of a state; form of government of a state; period of government of a king, a political party, etc. According to the same Dictionary, the term "government" has the following meanings: period during which a Government exercises

its activity; rule, rule, dominion; leadership, government, regime; leadership of a state or an administrative unit; to lead, to administer, to direct a state, a people [7].

From a legal point of view, by form of government we mean the way in which the state authorities are constituted and function, referring, in particular, to the relationship between the head of state and the parliament. Starting from this definition, forms of government are usually classified into two broad categories: monarchies and republics, the latter being classified into parliamentary, semi-presidential and presidential republics. In the current study, we will focus on the republic, as the form of government of the two analyzed states.

The Republic is characterized by the existence of a head of state who, as a rule, bears the name of president and who is elected for a fixed period, either by the people, by direct or indirect vote, or by the parliament. The republic can be defined, from the point of view of the form of government, starting from several cumulative criteria: the collegiality of the exercise of power; the short-term election of the head of state; the abolition of hereditary functions and the establishment of the principle of equality between people. Depending on the way the head of state is appointed, there are two types of republics: parliamentary republic and presidential republic [8].

In the framework of the parliamentary republic, the head of state is elected by the parliament, in front of which he is responsible for his activity. Due to this way of designation, the head of state is in a lower position than the parliament. Examples of countries that use this way of electing the head of state by the Parliament are: Germany, Italy, Greece, Czech Republic, Latvia, Estonia and Hungary [9].

The main characteristic of the presidential republic is the election of the head of state directly by the people (e.g. Cyprus) or through an electoral college made up of electors elected directly by the people (e.g. the United States of America). It is the most used way of designating the head of state in the world. Specific to this way of appointing the head of state is the fact that all citizens of a state, with the right to vote, have the opportunity to choose the head of the country following a universal, equal, direct, secret and freely expressed vote.

Depending on the powers of the head of state within the Republic, there are also semi-presidential republics. Within these republics, practically the head of state is elected by all citizens following a universal, equal, direct, secret and freely expressed vote (e.g. France, Romania, Finland, Portugal, Austria, Slovenia, Ireland, Poland or Lithuania), but the government is politically accountable to the parliament.

The year 2016 was substantially marked by a crucial moment for the redefinition of the political regime in the Republic of Moldova, marking, according to the researchers, the return to the semi-presidential regime. It is about the historic decision of the Constitutional Court which revived the constitutional provisions, repealed in 2000 (art. 78), which provide for the election of the head of state by direct universal suffrage [10]. It is an important moment, which marked the recognition of the legitimacy of the head of state and its equalization with the legitimacy of the parliament.

Starting from these moments, however, we are of the opinion that by simply changing the way of electing the head of state, the Republic of Moldova has not changed its governing regime, remaining to be a parliamentary republic (a point also confirmed by the Court Constitutional at the beginning of 2017) [11]. Or, only the direct election of the President depends on the semi-presidential dimension of the regime, otherwise the whole constitutional system works according to the rules specific to the parliamentary regime.

In Romania, however, the formal powers of the President are reduced, but he can exercise high influence in certain contexts over the parliamentary majority and the Prime Minister.

The form of government was one of the most important and heated topics of debate during the work of the Constituent Assembly in 1991. Along with the question of defining the Romanian state as a national state, an element that attracted the opposition of the Democratic

Union of Hungarians in Romania, the republican form of government attracted the opposition of the National Peasant, Christian and Democratic Party. The two formations were the ones that voted in 1991 against the Constitution, in its drafting approved by the political majority of the time.

At the time when the revision of the Constitution was initiated, the Romanian regime had already gone through an important constitutional crisis determined by the constitutional design of the executive power, still fresh in the memory of the parliamentary political elites. In 2003, the provision was explicitly introduced into the Constitution that “the President of Romania cannot revoke the Prime Minister” [12]. This is the main change at the level of the form of government in Romania, we can emphasize this change as an important clarification of the semi-presidential nature of the form of government.

## Conclusions

Following the study carried out, I can conclude that the form of the state is analyzed under three aspects: the form of the state structure; form of government; the political regime. The three aspects are closely related to each other. And the form of the state can appear under three guises, according to distinct criteria. These three criteria are: the way of organizing and exercising sovereign power on the territory of the state [13]; characteristics; governance methods. Depending on the three criteria, the state will acquire a certain form: unitary state/federal state; monarchy/republic; will have a democratic, autocratic or authoritarian political regime.

According to the state structure, the Republic of Moldova is unitary, and the territory is indivisible and inalienable. According to the state structure, Romania is a sovereign and independent national state, unitary and indivisible. The form of government in both states is a republic. The Republic of Moldova is a democratic state of law, in which human dignity, rights and freedoms, the free development of the human personality, justice and political pluralism represent supreme values and are guaranteed, just like Romania. The territory of these two states is inalienable.

The territory of Romania is organized, administratively, in communes, cities and counties. Under the law, some cities are declared municipalities. And the territory of the Republic of Moldova is divided into administrative-territorial units, districts, cities, villages.

In conclusion, state structure means the overall organization of power in relation to the territory, in the sense that the state is made up of one or more member states. The territory is one of the bases for the organization of state power, which interests constitutional law, first of all, from the aspect of the state structure.

## REFERENCES

- [1] To be seen, Muraru I., Tănăsescu E. S. (2006), *Constitutional law and political institutions*. Edition 12, Vol. II. - Bucharest: C. H. Beck Publishing House, p. 39.
- [2] To be seen, Negru B. (1999), *General theory of law and the state*, p. 55.
- [3] To be seen, Arseni A., Ivanov V., Suholitco L. (2003), *Comparative constitutional law*, Editorial Center of USM, Chisinau, p. 59.
- [4] To be seen, Arseni A., Ivanov V., Suholitco L., *op. cit.*, p. 61.
- [5] The Constitution of the Republic of Moldova was adopted by Law no. 175/1994 being published in Official Gazette no. 6 of July 7, 1994, being later amended and republished.
- [6] The Constitution of Romania was published in the Official Gazette of Romania, Part I, no. 233 of November 21, 1991 and, subsequently, republished in the Official Gazette of Romania, Part I, no. 767 of October 31, 2003.
- [7] To be seen, *Explanatory Dictionary of the Romanian Language*. Bucharest: Univers Enciclopedic, 1998, p. 1194.



- [8] For such an opinion, to be seen, [https://romanalibera.ro/lifestyle/food/constitutia-romaniei-structura-de-stat-forma-de-guvernament-si-regimul-politic-285228/?fbclid=IwAR3IEYQ4COk4hC90SVfOvn0BmIB5JL2UMcF1zra3xvWgFOV9Jcz\\_md5L31w](https://romanalibera.ro/lifestyle/food/constitutia-romaniei-structura-de-stat-forma-de-guvernament-si-regimul-politic-285228/?fbclid=IwAR3IEYQ4COk4hC90SVfOvn0BmIB5JL2UMcF1zra3xvWgFOV9Jcz_md5L31w), accessed on 18.05.2022.
- [9] Idem.
- [10] To be seen, Decision of the Constitutional Court no. 7 of 03/04/2016. In: Official Gazette of the Republic of Moldova No. 59-67 from 18.03.2016.
- [11] To be seen, Decision of the Constitutional Court no. 2 of 24.01.2017. In: Official Gazette of the Republic of Moldova No. 356-359 from 06.10.2017.
- [12] To be seen, Art. 106 para. (11) from the Law on the revision of the Constitution, which became art. 107 para. (2) in the Constitution of Romania republished in 2003.
- [13] The modern state is characterized by the fact that the power of the state is legitimate if it has the popular support. For more details see Fărcaș N., Nagy O.V., Toncean Luierean I. (2011). The Concepts of Legality and Legitimacy of Power in the Contemporary Modern Era, publicat în “The 17th International Conference. The Knowledge-Based Organization. Economics, social and administrative approaches to the Knowledge-Based Organization. Conference Proceedings 2. 24-26 November 2011”, Nicolae Bălcescu Land Force Academy Publishing House, Sibiu, p. 663.

## About Law and Religion During the Pandemic of Covid 19

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### Abstract

We have developed this study with the aim of presenting the influence of religion in the management of the Covid 19 pandemic, respectively the way in which the restrictions imposed in the state of emergency affect the freedom of religion enshrined in art. 9 of the ECHR. Last but not least, we presented a case study regarding the right to participate in religious gatherings during the Covid-19 pandemic.

*Keywords: law, religion, Sars-CoV2, pandemic period, freedom of worship*

### Introduction

The SARS-CoV-2 virus that the entire world is facing since the beginning of 2020 was declared by the World Health Organization as a pandemic as early as March 11, 2020, taking into account the “alarming level of spread and severity”. At the same time, the general director of the Organization requested the states of the world to take “urgent and aggressive measures” and to adopt “comprehensive strategies to prevent infections, save lives and minimize the impact”.

Already faced with the devastating effects of the epidemic that affected all sectors of society, the states had to take a series of radical measures. These measures generated numerous debates and dilemmas related to the respect of human rights, especially due to the fact that the authorities had to take a series of restrictive measures to combat the pandemic. Given that public opinion is strongly divided, regardless of the approach to the theme, inevitably the discussion about the solutions and measures taken by the authorities takes place around the notion of fundamental rights.

### Art. 9 of the European Convention on Human Rights

Among the main rights enshrined in the European Convention on Human Rights that are claimed to have interfered with the omissions/measures imposed by the national authorities during the COVID 19 pandemic (mandatory vaccination, prohibition of religious gatherings, etc.), the right to freedom is also considered of conscience, thought and religion (art. 9).

According to the provisions of Art. 9 of the ECHR:

1. Every person has the right to freedom of thought, conscience and religion; this right includes the freedom to change one's religion or belief, as well as the freedom to manifest one's religion or belief individually or collectively, in public or in private, through worship, education, practices and performance of rituals.

2. The freedom to manifest one's religion or beliefs cannot be subject to other restrictions than those provided by law which, in a democratic society, constitute necessary measures for public safety, the protection of order, health, public morals, rights and freedoms to others [1].

According to the opinions expressed in the doctrine [2], freedom of thought, conscience and religion, established by art. 9, is not absolute and allows, under certain conditions,

exceptions/limitations. In the context of the COVID-19 pandemic, namely the restrictions on participation in religious gatherings, the limitation of this freedom would apparently be necessary to protect the health and even the lives of individuals and other people in the community.

Moreover, while protecting this personal sphere, Article 9 of the Convention does not always guarantee the right to express oneself publicly in a way dictated by such a belief. The Commission recalls that the term “practitioner” does not cover and legitimize any conduct that is motivated or influenced by religion or belief [3].

### **The Role of Religion in Mitigating the COVID-19 Pandemic**

To help curb the spread of COVID-19, many religious mass gatherings around the world have been cancelled. Saudi Arabia has suspended the year-round Umrah pilgrimage to Mecca in early March and all international flights to the country, and restricted movement of its citizens within the country. The suspension of Umrah was put in place before the holy month of Ramadan in April 2020, a period that is considered favourable for the pilgrimage. Hajj, the fifth pillar of Islam, which would have begun on the 28th of July in 2020, had also been cancelled by Saudi Arabia for all international pilgrims, except to a very limited number of citizens of the country (BBC News, 2020b) [4]. Worldwide, gatherings for Tarawih prayers at mosques during Ramadan have been replaced with prayers at home. Pope Francis’s Holy Week and Easter services at St. Peter’s Basilica, Vatican City, were held in April 2020 without public attending and were broadcasted live (The Straits Times, 2020) [4]. Other protestants churches around the world had replaced their in-person Easter services with live broadcast. Many houses of worship around the world have suspended their regular physical worships and prayers and switched to online streaming.

Religion might facilitate or hinder the adherence to public health measures to prevent the spread of COVID 19. On one hand, religion could mediate adherence to preventive measures through the moral principles of doing no harm and protecting the interest of fellow citizens, and compliance to authorities such as the government; on the other hand, people who are more religious might perceive greater divine support and hence feel invincible to COVID-19.

### **Case Study**

The COVID-19 pandemic has particularized the application of freedom of thought, conscience and religion in the meaning of restricting the number of people participating in acts of worship specific to certain rituals such as the mystery of communion and liturgy.

In Germany, the COVID-19 pandemic has determined the reconfiguration of the delivery method religious services, rules were adopted regarding the exercise religious services; the forms of carrying out practices are established and cult-specific rituals: Servants of religious cults officially recognized in Germany can officiate in places of worship, in public spaces or in private spaces: a) practices and rituals with public character specific to worship, without public participation; b) practices and rituals with private character specific to worship, such as baptisms, weddings or funerals, with the participation of the minimum number of people according to canonical norms and with strict observance of individual and collective protection measures to prevent the spread of COVID-19.

We will further present the case resolved by decision no. 1 BvQ 28/20 of April 10, 2020 pending before the German Federal Constitutional Court [5].

The applicant professes Catholicism and regularly attends the sacraments. Due to regulations, it was impossible for him to attend the trade fair. This applies both to the weekly participation in the Eucharist (celebration of the Eucharist) and especially to the Easter

service. The applicant considers that it is disproportionate that the fundamental right to freedom of belief in the form of uninterrupted daily religious practice is wholly subordinate to the conflicting fundamental right to life or personal integrity. Evoking the provisions of the Declaration of the Second Vatican Council (On the Doctrinal Constitution of the Church, No. 11) and the Catechism of the Catholic Church (Nos. 1324-1327), he explained to the Court that, according to the Catholic faith, the communal celebration of the Eucharist is a matter of faith core part, the lack of which cannot be made up for by other forms of faith practice, such as broadcasting church services or individual prayers on the Internet. The applicant was quite convincing and the Court considered that the suppression of public gatherings in closed spaces, therefore including religious ones, represents a serious violation of the right to freedom of worship, by reference to their importance in the Christian religion. But, despite all, the Court established that protecting the right to life and health is more important than protecting the freedom of worship, in this situation. And by temporarily suspending the interdictions established by the Decree of the Land of Hesse, people would go to these religious gatherings, especially for Easter and so, the risk of contamination with the new virus will increase which will lead to overburdening the hospitals and, thus, the number of deaths will arise. Moreover, the Court evoked the report of the institute “Robert Koch” dated 26<sup>th</sup> of March 2020, demonstrating that the risk of contamination will not affect only the persons who will participate to these religious gathering, but also the ones with whom these people will get in contact.

So, considering the arguments mentioned, the German Federal Constitutional Court rejected the request for the temporary suspension of the ban on public religious gatherings, as imposed by the regulations of the state of Hesse regarding the fight against the covid pandemic, stating once again that protecting the right to life and health is more important than protecting the freedom of belief [6].

## Conclusion

Whether it is the right to privacy or the freedom of thought, conscience and religion, their exercise can be considered an abuse of art. 17 of ECHR if it manifests itself as an arbitrary, unmotivated and deliberate refusal to respect the rules. Such a practice would seriously endanger the general interest of the community and presupposes the right to life, enshrined in art. 2 by creating the conditions for the establishment and spread of a disease of increased contagion.

## REFERENCES

- [1] [https://www.echr.coe.int/documents/convention\\_ron.pdf](https://www.echr.coe.int/documents/convention_ron.pdf) accessed on 16<sup>th</sup> of November 2022.
- [2] Florian, D. (2021), *Drepturile omului sau drepturile oamenilor? Reflecții asupra vaccinării obligatorii din perspectiva CEDO*, Revista Themis n0. 1-2/2021, INM, p. 176 available on website: [https://inm-lex.ro/wp-content/uploads/2021/12/Themis-1-2\\_2021-3.pdf](https://inm-lex.ro/wp-content/uploads/2021/12/Themis-1-2_2021-3.pdf) accessed on 10<sup>th</sup> of November 2022.
- [3] CEDO, 5th of July 1984, the decision of the Committee, V. against Netherlands, no. 10678/83, p. 270
- [4] <https://pubmed.ncbi.nlm.nih.gov/33928389/> accessed on 12<sup>th</sup> of November 2022.
- [5] [https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/04/qk20200410\\_1bvq002820.html](https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/04/qk20200410_1bvq002820.html), accessed on 16<sup>th</sup> of November 2022.
- [6] Duțu, A. (2020), *Măsuri specifice anti-covid și drepturile omului în jurisprudența instanțelor constituționale europene*, în Pandectele române nr. 4/2020, p. 229 available on website: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/rpanderom2020&div=86&id=&page=> accessed on 17<sup>th</sup> of November 2022.

# Comparative Aspects Between the Romano-Germanic and Anglo-Saxon Legal Systems

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## Abstract

The present study has been prepared with a view to highlighting comparative aspects between the Romano-Germanic and Anglo-Saxon systems of law. In order to capture more clearly the similarities and differences between the two systems of law, I thought it appropriate to present a number of historical aspects of their emergence. In the end, I set out my personal reasoned opinion on the preference for the Romano-Germanic system of law, followed by some brief conclusions.

*Keywords: legal systems, Anglo-Saxon legal system, Romano-Germanic legal system, comparison*

## Introduction

People can only live in society, and in any society, there is a need for organisation and order. It is for this reason that rules of conduct have been issued to coordinate the behaviour of the members of that society. The emergence and formation of law is a complex process, the beginning of which is unknown. [1]

The level of development reached by law today, its high complexity and, above all, its importance in almost every field of activity, require the presence of lawyers as a category of specially qualified professionals. [2] Law has a systematic character. The many legal rules existing in society are arranged in a coherent, organised and logical system. It is not the sum of its parts, but a set of rules and institutions in constant interaction. System means the way in which the law and its component legal rules are organised within legal institutions and branches of law. In the doctrine, a distinction is made between the system of law and other notions in the sphere of the legal existence of society, such as the system of legislation (the legislation of a country, the sum of normative acts]) and the legal system (the legal order in general, the legal system of a country, the legal system of a country).

The law of each state is its own system. Sometimes several systems of law are applied at the same time in the same state. The diversity of legal systems is enormous. However, when analysed from the point of view of certain fundamental elements, they do have certain similarities or differences of substance. The most important legal systems are: The Romano-Germanic system and the Anglo-Saxon system. The aim of my paper is to present the comparative aspects of the Romano-Germanic and Anglo-Saxon systems of law. [3]

## Some Historical Aspects Regarding the Emergence of the Two Legal Systems

The Romano-Germanic system of law is one of the oldest systems of law. Medieval universities played a significant role in the formation of this system of law, in the process of synthesising the law and forming a universal legal doctrine. To this end, they drew on the great legal foundation of Roman law and its indisputable virtues in relation to the various local

customs. The essential role played by Justinian's Corpus Juris Civilis, the codifications that took place in the 15th and 16th centuries, the contribution of the glossators and postglossators to the birth of a modernised Roman law known as “usus-modernus pandectorum” paved the way for new unifying steps in the family of Roman-Germanic law such as they were: the Bavarian code of 1756, the Prussian code of 1794, as well as the civil codes adopted in the 19th century, such as the French code or the Austrian code, the German code of 1900, or the Swiss codes of 1881, 1907 and 1911. [4]

A landmark moment in the formation of the great Romano-Germanic system is the drafting and adoption of Napoleon's Civil Code, the most widespread piece of legislation in the modern world.

The Anglo-Saxon system of law spread to most areas of British rule. Thus, according to doctrine, the rule that English law was introduced into the colonies was established by the House of Lords in 1608 in the Calvin case, when an older tradition based on the following principles was enshrined: to the extent that English colonies are established on unoccupied or primitive occupied territory, they will impose English law on that territory; if territory already colonized becomes British, it will retain its own law already established at the time of the establishment of British sovereignty.

After decolonization, the colonies that adopted English law generally retained this system, supplementing it with their own laws adopted on the basis of the European legislative model. However, the English law introduced in the colonies did not completely eliminate traditional law, so it was complementary to English law. [5]

### Main Similarities and Differences Between the Two Legal Systems

I have analysed the similarities and differences between the two legal systems in four areas: the structure of the system, sources of law, jurisdiction and importance.

#### *Similarities*

**Regarding the structure of the system:** - Conception of law and common legal concepts

**Regarding the jurisdiction:** - Jurisdictions are, in all cases/subsystems, hierarchically organised, there is also a distinction between common law and specialised jurisdictions.

**Regarding the sources of law:** - Formal sources are the same, but have a distinct role

**Regarding their importance:** - Both systems of law continue to effectively shape justice systems in hundreds of countries. - Both influence the way international business is conducted.

#### *Differences*

**Table 1.** Differences between the two legal systems

<b>Anglo-Saxon System</b>	<b>Romano-Germanic System</b>
<p><b><u>Regarding jurisdiction:</u></b></p> <ul style="list-style-type: none"> <li>• The Anglo-Saxon system of law is based on court decisions called judicial precedent, which are binding on lower courts. The judge is placed in the position of creator of law.</li> <li>• Not all countries with this system of law have a constitution (e.g. the UK).</li> </ul> <p><b><u>Regarding the sources of law:</u></b></p> <ul style="list-style-type: none"> <li>• Common-law is the main source of law.</li> </ul>	<ul style="list-style-type: none"> <li>• Judicial precedent has little role. Court rulings are only binding if they are appeals in the interest of the law or decisions of the Constitutional Court.</li> <li>• There is a Constitution</li> </ul>

<ul style="list-style-type: none"> <li>• Written law regulates few aspects.</li> </ul> <p><b><u>Regarding the legal system:</u></b></p> <ul style="list-style-type: none"> <li>• English law comprises three main components: Common Law, Equity and Statutory Law. Common Law is the oldest part of the law, originally consisting of customary law, later supplemented by court decisions.</li> <li>• Common law rules are less abstract.</li> <li>• It does not know this division.</li> </ul>	<ul style="list-style-type: none"> <li>• Common-law is a source of law only if the law expressly refers to it.</li> <li>• The main components of this system are German and French law.</li> <li>• The history of French law is made up of three stages, namely: ancient law, intermediate law and modern law.</li> <li>• In this system, the main source of judgment is the written law.</li> <li>• The French Civil Code is the most widely used legal instrument.</li> <li>• It is based on the division of public law and private law.</li> </ul>
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### Personal Opinion About the Analyzed Topic

In my opinion, the Romano-Germanic system of law is much more efficient than the Anglo-Saxon system, because the Romano-Germanic system is codified, there is a Constitution, and citizens know clearly what conduct they have to follow, they know their rights and obligations, also, the law is in a continuous “improvement” so decisions taken by judges can be correct. Whereas the Anglo-Saxon system is very rigid, in the sense that a rule that has been laid down can only be changed, and its volume and complexity make it difficult to know the applicable rules. However, as mentioned in the doctrine, the common-law system also has a number of advantages, such as: the fairness it offers for the resolution of each similar case, the possibility of permanent adoption of new rules of law in accordance with the requirements of society, which is constantly changing, the practicality of being able to respond to everyday needs. [6]

### Conclusion

There are both similarities and differences between the two systems, with the emergence and development of different systems being a product of history. With the UK maintaining less strong links with the continent during the formative period of the system of law, the result was a system that was totally different from the continental one, but equally functional.

### REFERENCES

- [1] Cenușe M. (2018). Teoria generală a dreptului,-sinteze teoretice, Pro Universitaria Publishing House, Bucharest, p. 27
- [2] Fărcaș A.V. (2011). Teoria generală a dreptului, Universul Juridic Publishing House, Bucharest, p. 65
- [3] Ștriblea M. S. (2008). Teoria Generală a Dreptului - note de curs, Universul Juridic Publishing House, Bucharest, p. 23
- [4] <https://www.rasfoiesc.com/legal/drept/SISTEMUL-ROMANO-GERMAN73.php> accessed on 18<sup>th</sup> of November 2022
- [5] <https://dreptmd.wordpress.com/referate/marile-sisteme-de-drept/> accessed on 18<sup>th</sup> of November 2022
- [6] Craiovan I. (2009), Teoria generală a dreptului, Universul Juridic Publishing House, Bucharest, p 65-66.

## General Aspects Regarding Lawyer's Deontology

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### Abstract

The ethics and integrity are one of the most important characteristics in the Romanian attorney's line of work. Being an attorney was, at first, a profession exercised mostly by nobles, from then it has a distinct character that exists even today.

Even though the times have changed, solemnity as well as the ethics and integrity of the advocacy profession, are kept by high standards, that need to be respected by everyone.

The profession of lawyer is a liberal and independent profession, with a well-defined purpose in terms of social relations regulated by the rule of law. Lawyers form a liberal profession are organized into orders or bars and their mission is not limited to the faithful execution of a mandate within the law.

*Keywords: integrity, honesty, law.*

### Introduction

Understanding deontology and practicing with faith are the essential aspects of contemporaneity regarding any kind of profession. The people have lost faith in ideals, they are becoming less and less sensitive to the fundamental principles that guide their lives.

We are in a key moment for society, in which if we don't strengthen faith in values, in ethics, we lose our profession and ourselves. We can only hope that we will have the sensitivity to realize that we are at an important moment.

Romanian lawyers had adopted the fully Code of Ethics of the European layer long time ago Romanians accessions into the European Union. The Code was adopted in plenary session in Lyon on 28 November 1988 by the Consultative Council of European Bars (CCBE). Law number 51/1995 provides the organization and organization of the lawyer profession, from the statute of the lawyer profession.

The profession of lawyer represents, in our opinion, an aristocratic occupation, where nobility has left its marks until today. Underlining this opinion, we mention that the word "lawyer" came from the Latin *advocatus* meaning "the one we call for help" [1].

### The General Aspects Regarding the Regulations Contained in the Lawyer Code of Ethics in Romania

The code establishes fundamental ethical rules for guaranteeing the right to defense through a lawyer. Its essential purpose is to establish rules of conduct for a lawyer practicing cross-border profession. The Council of Bars and Law Societies of Europe (CCBE) is currently developing and debating proposals to improve and amend the Code.

The code is currently applied in Romania under the conditions in which the acts of the professional bodies, within the limits of their legal powers, have expressly established rules of professional ethics. The reality of practicing the profession often contradicts the specific requirement of the statutory rules. Numerous rules contained in the Statute of the lawyer



profession, which corresponded to social and political changes, acquired the nature or have a strictly deontological function.

The Congress of Lawyers in 2015 decided that it is in the general interest of the lawyer profession in Romania to elaborate and include in a unitary normative act the norms of professional conduct and deontology. The Romanian bar did not remain indifferent to these changes. The members of the Council of the National Union of Romanian Bar Associations agree that a double, triple, or multiple deontological acts are unthinkable. The lawyer cannot renounce the principles that characterize the lawyer's activity.

The last professional experiences, some completely foreign to the legal profession until recently, must be regulated. Others, taken from the European and global practice model, often in legal systems with other traditions and regulations. The new regulation will substantiate and respect the role reserved for the lawyer in a democratic society. The lawyer exercises the profession based on the law, and the legal framework configures exactly the role of the lawyer, the bodies of the profession, the limits of their competence.

The lawyer's social function in a law-abiding society requires the establishment of rules and principles of professional conduct. All professional conduct is subject to the imperative of defending human dignity. The legal profession also has a social duty to protect the fundamental values of the rule of law. According to the lawyer's Code of Ethics, law number 51/1995, the main fundamental principles in practicing the profession of lawyer are: independence, dignity, integrity, loyalty, professional secrecy, and freedom of defense.

*In a rule of law, the lawyer's independence is as necessary as the judge's impartiality.* The lawyer informs his client about his legal situation and ensures the technical defense of his rights and freedoms. Under no circumstances should the lawyer act under coercion or complacency!

We believe that honesty, probity, loyalty, dedication, and sincerity are virtues that must be indispensable to the lawyer's activity. They underpin the necessary relationships of trust between lawyer and client and underpin the honor and dignity of the profession. The lawyer must always act honestly and responsibly, with competence, with loyalty to the client, with respect to the other party.

According to the 11th article of the Lawyers' Code of Ethics, professional secrecy and confidentiality are fundamental obligations of the lawyer [2]. At the same time, according to the confidentiality of the legal advice and the respect of the right to professional secrecy, the lawyer is nothing more than the realization of the fundamental rights that the law recognizes to the clients and the defense as essential mechanisms of the rule of law.

The law recognizes every person's right not to incriminate himself, not to testify against himself. Both rights aim at respecting freedom and the right to private life. But the citizen becomes more and more vulnerable to the power of the state. The lawyer cannot risk his freedom and independence, loyalty to the client or professional secrecy.

The lawyer is free to take legal responsibility for solving a problem. Also, the citizen is free to entrust the lawyer's interests to his free choice and to terminate the professional relationship when he considers it appropriate. This absolute freedom may endanger one's right to defend if there is a vacuum of effective legal aid.

In our opinion, the lawyer must always consider the position given in the company as a source of trust. The effective defense of individual and collective rights, whose recognition and respect constitute the backbone of the rule of law, and this can only be achieved if the chosen lawyer can deal with the matter responsibly.

If the lawyer meant sometime only the person who provided support to the person in need, nowadays the notion of "lawyer" has a particularly broad scope and meaning [3].

The ethical norms that regulate the lawyer's obligations and relations with the bar, judges and prosecutors, colleagues, or clients, know few changes. Clear rules are needed to recognize

and exercise the lawyer's freedom to terminate his defense when he no longer wishes to continue, a free decision that permanently guarantees independence.

Ethical rules cannot impose restrictions on free and fair competition in the legal profession. The fundamental requirements that demand the exercise of the profession with competence, in good faith, with freedom and independence, loyalty to the client, respect for the other party and the keeping of professional secrecy are preserved.

The main difference is given by the fact that until recently, at the beginning of the 20th century, the word lawyer was a title. The structures of the profession - orders, bars - have been transmitted over time, but their composition has changed. There is a big difference between what we call a lawyer today and what it was back in the days.

The first provision of the lawyer status law in which an idea of ethics was found in the 2nd article by which it is understood that even the biggest criminal has the right to a fair trial, we must not interpret in an extinguishing manner that that criminal must be "escaped", but his rights must be defended, he must be listened to and not to be punished more than he deserves [4].

The lawyer has the right and the obligation to do all the necessary diligence to achieve free access to justice, in the exercise of the right of defense for a fair trial and within a reasonable time. It is about free access to justice that should not be restricted to any individual.

In the 11th article it is stipulated: except for the cases expressly provided by law, the lawyer has the obligation to maintain professional secrecy regarding any aspect of the case entrusted to him. If there is no more trust, and the client no longer tells all the details to the lawyer, then the lawyer can no longer consolidate a good defense.

The lawyer profession is organized, and functions based on professional autonomy within the bar association. The bar's budget is made up of lawyers' contributions that are set by the bar council. The governing bodies are the general assembly, the council, and the dean.

The bar provides legal assistance in criminal cases in which defense is mandatory, in other criminal cases in which public judicial aid is necessary and in cases in which legal assistance is requested by local public administration bodies. The applicant for public legal aid must provide proof of financial status. A request for public judicial aid is made, within 15 days the dean resolves it with the possibility of approving the lawyer requested by the person who made the request or choosing another lawyer. The chosen lawyer is not allowed to receive any kind of remuneration or compensation from the client.

Any lawyer is liable for disciplinary action if he does not respect the lawyer's law, or the mandatory decisions of the bar association, and for any act committed in connection with the profession or outside of it that damages the honor and prestige of the profession. Any deed that is qualified as such in the lawyer's statute or any other law is serious disciplinary misconduct.

The disciplinary sanctions are: reprimand, warning, the ticket, the prohibition to practice the profession from one month to one year and exclusion from the profession.

The Council Bar has the competence to investigate the misconduct and take disciplinary action.

The lawyer has the right to assist and represent any legal person or individual based on an assistance contract. This contract can be cancelled by both the lawyer and the client, covering the expenses incurred by the lawyer and paying the fee for the work performed. The fees are established by every lawyer, the only condition being to not go lower than the determined scale, scale established by the bar. These fees can be paid into a bank account depending on the form of organization of the lawyer.

The avocational contract has an executory title. Jurisdiction rests with the court in the district where it is based. It is not allowed to pick up the communications between the client and the lawyer, or the documents based on which the client's defense was drawn up. It's not allowed to search the headquarters, the lawyer's residence except by the prosecutor based on a warrant

issued in accordance with the law. If the client finds himself under arrest, the administration of the detention house has the obligation to act and respect the rights explained earlier.

Moreover, during the session, the lawyer is not allowed to disturb the solemnity of the court session or to use inappropriate, offensive language towards the judge or another participant in the trial [5]. Like a deputy [6] who cannot come dressed in sportswear to a session in Parliament and start disturbing the session using licentious language because he is the image of an institution.

In the same way, the lawyer, when he wears the robe and insignia of the bar, is the image of an institution and must behave with respect to the profession he is practicing. It spoils the image of the institution but also of other colleagues, people may consider that if lawyers do not behave properly, why should they behave properly? It does not constitute a disciplinary offense if the lawyers assume a certain legal opinion or formulates the defense if it is within the legal parameters. Clearly, the lawyer's law states that he is obligated to withdraw from assisting the client whose goals at first seemed legal take an illegal turn. A lawyer must study every case he handles, whether he is a client or an ex-officio case.

From our point of view, we believe that anyone can make mistakes at work, but the lawyer has the obligation to be insured for malpractice, to be able to cover any damages. Being part of an organization such as the bar, the lawyer is obligated to participate in all the meetings and convocations of the governing bodies. The records that the lawyer must keep following his activity are obligations as important as the timely transfer of monetary obligations to the bar.

Under no circumstances will the same lawyer represent parties with conflicting interests because free access to justice would be restricted. A lawyer can never be a witness in a case given to him except with the consent of all interested clients. But the status of a witness takes precedence over that of a lawyer in circumstances where the lawyer learned the information before being hired as counsel.

The lawyer who did not divulge the commission of crimes of which he is not aware in the exercise of the profession is not criminalized for failure to report, except for:

- murder,
- manslaughter or other crime that resulted in the death of a person,
- genocide,
- crimes against humanity or war crimes against persons,
- crimes that are related to the prevention and combating of terrorism worldwide.

In all cases, the lawyer who prevents the commission of the crime or its consequences in a way other than denouncing the perpetrator is exempted from liability.

Normally a single person cannot have several roles in a trial because it would endanger the truthfulness of justice and the credibility of the existence of a just and fair trial. Apart from certain events where he is obliged to wear the robe, its use is strictly prohibited. Any public statement must respect the integrity and dignity of the legal profession in accordance with the law on the status of lawyers.

Citizens who obtained this qualification in a state member of the European Union can practice the profession of lawyer in Romania. The condition is that they must become members of a Romanian bar and comply with the Romanian lawyer's law.

## **Conclusions**

The profession of lawyer has been a noble and respectable profession since ancient times. The honor with which this profession must be exercised is of a high level. In our opinion, a lawman should be a role model and an example to the rest of the people. Ethics and integrity in the legal profession are sacred elements that define the nobility in which this profession was planted.

We believe that the lawyer's mission in a society is based on respect for justice, that is why the lawyer fulfills an eminent role all around the world. Its mission is not limited to the faithful execution of a mandate within the law. His mission is to keep society at an acceptable level of fairness, inside of the law frame given by all states worldwide.

In our point of view, lawyers form a liberal profession organized into orders or bars, each bar being autonomous and built alongside a court, usually a tribunal. The profession of lawyer is a liberal and independent one, with a well-defined purpose in terms of social relations regulated by the rule of law.

## REFERENCES

- [1] See Scripcaru Gh., Ciucă A., Scripcaru C., Ciucă V. M. (2009). *Juridical Deontology- Syllabus (Deontologie juridică – Syllabus)*, Publishing House Sedcom Libris, Iași, Romania, p. 201.
- [2] This principle is common to other professions. For example, it governs, along with impartiality and neutrality, the profession of mediator. For details, see Nagy, O. V. (2020), *The usefulness of the mediation agreement in the divorce procedure (Utilitatea acordului de mediere în procedura divorțului)*, published in the volume of *Conferences intitled Education, science, and society in XXI century opportunities and challenges*, 24 November 2020, Publishing House RISOPRINT, Cluj-Napoca, Romania, 2020, p. 59
- [3] See Dănilă L. (2008), *The organization and the exercise of lawyer profession (Organizarea și exercitarea profesiei de avocat)*, Second Edition, Publishing House C.H. Beck, Bucharest, p. 13.
- [4] See in this sense, *The deontological Code of Romanian lawyer (Codul Deontologic al Avocatului Român)*, Adopted through Decision no. 268/17 June 2017 of National Union Council of lawyers in Romania.
- [5] See *The law and statute of lawyer profession (Legea și statutul profesiei de avocat)*, Legislation consolidated and Index (2022), Publishing House Universul Juridic, Bucharest, p. 84-90.
- [6] For considerations regarding the status of deputies and senators, see Fărcaș A.V., Toncean Luieran I.R. (2011), *Constitutional law and political institutions. Seminar notebook (Drept constituțional și instituții politice. Caiet de seminar)*, Publishing House Universul Juridic, Bucharest, pp. 128-133.

## General Aspects Regarding Mediation

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### Abstract

In this article we will analyze, in the first part, aspects regarding alternative methods of resolving conflicts, like mediation. We will treat aspects regarding mediation in different countries because an overview of the notion of mediation and its application is more than welcome.

In the second part we will underline the advantages and disadvantages of mediation in Romania, and from this conjuncture we will conclude that mediation will undoubtedly, from our point of view, become a pregnant presence in the Romanian socio-legal landscape very soon.

*Keywords: alternative methods, conflict, process.*

### Mediation - Alternative Method of Conflict Resolution

Mediation has its origins in humanistic psychology, which experienced real progress thanks to the studies carried out by Carl Rogers (1951) and Abraham Maslow (1962). At the same time, mediation finds its philosophical bases in phenomenology, which gives value to subjective experience in relation to objective truth, accepting at the same time the existence of several different interpretations of the same event.

The mediation process currently used in European countries has its origins in the school and community projects carried out in the USA in the 70s - a period in which the creation of the first Neighborhood Justice Centers was encouraged. The goals of these centers, known as “community mediation programs”, consisted in offering an alternative to judicial proceedings, some of the most active such centers being found in New York, Philadelphia, and Los Angeles.

In special community mediation programs, groups of volunteers were formed to mediate disputes in the community where they lived, including those between neighbors, their family members, landowners, consumers, and vendors or small business owners.

The successes of the mentioned programs were impressive, they succeeded in the climate after the 60s (when they campaigned against violence), to offer punctual answers for the conflicts manifested. Exponents in this field were often motivated by personal convictions and aimed to improve the skills of fellow citizens, to develop their abilities to resolve their own misunderstandings, so that communities become stronger and all who are part of the community have a prosperous life [1].

In the 1980's and 1990's, American lawyers and businessmen coined the phrase “alternative dispute resolution” (ADR) to describe the growing number of non-adversarial conflict resolution methods, as well as the alternatives used in the business environment.

Within the European Judicial Network of the European Commission, the amicable resolution techniques are called “alternative dispute resolution”, but regardless of the name they have, they all try to explain as clearly and comprehensively as possible the concept of ADR (Alternative dispute resolution), which includes all the procedures and techniques for resolving

conflicts amicably. These alternative ways of resolving conflicts are represented by all methods of extinguishing conflicts outside the courtroom. The main alternative ways of resolving conflicts are mediation, arbitration, and negotiation. Although many specialized works in the field state that there is a fourth subcategory of ADR, namely, conciliation, other authors share the opinion that this is only a form of mediation [2].

Alternative Dispute Resolution has been a real success in the USA, the activity of the Institute for Analysis and Resolution of Conflicts within George Mason University being edifying in this regard. Also, the School of Law at the University of Missouri – Columbia has published a magazine that refers exclusively to the resolution of disputes through mediation, and in Great Britain there are companies that offer commercial mediation services, among which we mention the Dispute Resolution Center in London, who carried out mediations between a considerable number of commercial companies and individuals.

Mediation is also frequently used in China, within the People's Conciliation Committees, as well as in many African countries to resolve disputes between neighbors, and in the South Pacific area there are counselors and committees that meet whenever necessary to "maintaining the conditions of orderly debate" between the people who are in dispute.

More than ever, nowadays mediation is an increasingly widespread phenomenon in Europe, and in this context, we refer not only to economically strong countries that have a tradition of mediation for over 20 years, but and in countries like Bulgaria, Albania, and Moldova.

In Europe, a European mediation model has not yet been structured, unanimously accepted by the states in question, but the French mediation model is among the most appreciated. The Mediation and Arbitration Center in Paris, specialized in commercial mediation, has developed rules and standards for various types of ADR, at the origin of which is Thierry Garby, President of the World Forum of Mediation Centers [3].

The mediation model applicable in European countries is different from the Canadian one, where mediation is mandatory in all civil cases.

Each country has adapted its mediation regulations to local specifics. For example, in France in 1993, important steps were taken towards the institutionalization of mediation in the criminal field, and in 1995 mediation was also introduced in civil, commercial, and family disputes [4].

In Germany, mediation was implemented in the criminal field in 1991, and in 2000 a law was introduced that requires the use of ADR methods in disputes between neighbors and in the case of disputes that have an object under 750 Euro [5].

Also, if in Bulgaria the mediation contract, even the agreement reached by the parties can be expressed verbally, this is not valid in the rest of Europe.

In Serbia, you need experience in the field of mediation or conflict resolution of at least five years to become a mediator, and in Norway, judges can also be mediators, which is not possible, for example, in Bulgaria.

Slovenia is a positive example in terms of mediation, thus in 2007 1500 cases were completed through mediation, the best results being obtained in family law (70%).

Most European countries have adopted mediation regulations in recent years: Albania has a mediation law from 2003 - just like Austria, Bulgaria from 2004 - the Bulgarian Civil Procedure Code being in accordance with the mediation law -, Croatia has a mediation law from 2003, Macedonia from 2006, Serbia from 2005, Hungary from 2002.

Currently, several dimensions of mediation are supported, according to some authors, which can be divided into six areas: community, family, commercial, organizational, ecological, and international.

Noteworthy in the last activity is the fact that community mediation [6] attracts more and more attention from sociologists, lawyers, and teachers.

According to Roger Stacey - an internationally renowned mediator - mediation "appears as a structured process, in which a third party, neutral, voluntarily assists in resolving a dispute

between two persons or groups, constituted in <parties>”. Thus, mediation is presented as a process that includes several stages, offering a structure that helps the parties in dispute to reach, through a natural process, from the account of the experience and the perspective on the events, to the construction of an agreement. In other words, the impartial third party – the mediator – helps two or more disputing parties work together to overcome a conflict.

*In Romania*, mediation is regulated by *Law no. 192/2006* on mediation and the organization of the mediator profession. According to art.1 of this normative act, "mediation is an optional way of resolving conflicts amicably, with the help of a third person specialized as a mediator, under conditions of neutrality, impartiality and confidentiality".

*We can say that mediation is an art through which the mediator transforms a conflict into an agreement.* In other words, the mediator helps the conflicting parties to generate options and choose one of these options by mutual agreement. It should be emphasized that the mediator does not decide the solution that will be adopted by the parties, but the parties themselves are the ones who decide the terms of the agreement, and in our opinion, it is necessary that this agreement be perfected considering the perspective of the parties on their future and not by reference to the past.

The legal framework, as well as the research carried out so far, lead us to the conclusion that the positive resolution of a mediation process is conditioned by the fulfillment of two conditions [7].

1. *First, choosing the moment: mediation must occur when the parties are truly ready to accept help.*

Mediation can only be effective when the parties are willing to cooperate. Many times, the parties are not aware of the legal situation in which they find themselves, the continuation of the dispute being a matter of pride. The existence of so many lawsuits before the courts is determined by immeasurable pride and the idea of victimization, and each party to a lawsuit considers itself a victim of the other party. The intensity with which the parties in a legal process fight to obtain a favorable result is primarily determined by the image that such a person has of the opposing party. However, these processes fueled by pride are continuous sources of stress, disappointments and imaginary battles with an “enemy” that is more invented than real [8].

Mediation can be beneficial in situations where both parties tired of the dispute want in a positive way to preserve their mutual relations [9] and have an interest in reducing misunderstandings. Instead, mediation proves to be ineffective in situations where neither of the parties can win, there being no real interest on the part of one of the parties to solve the problem. In conclusion, the lack of balance of power will make one of the parties agree to any proposed option [10].

2. *The second condition is that the mediator is accepted by all parties involved in the conflict.*

Such a requirement is specified even in the legislative framework regarding the resolution of labor conflicts in Romania, which stipulates that "mediators are chosen by mutual agreement by the parties in conflict of interests, from among the persons who have the quality of mediator". Mediators are neutral persons, who have special training in the field, being authorized by the Mediation Council.

The mediator must actively listen and try to understand each of the parties, clarify their facts, but also their feelings, look for common points and less differences, separate problems from people, be oriented more towards the future and less towards the past, to creatively solve problems and conflicts.

To have successful mediation, often the mediator must rely on the instant analysis of the personalities of the parties present at the mediation and in conflict. The task of the mediator is to identify the expectations of each party and to try to make them look at things from the same perspective, as well as to discover the fears of the parties and remove the unfounded ones. Since

the lack of communication is the cause of the conflict, the mediator must help the parties to resume communication so that the said conflict can be overcome. All these things can only be achieved by the mediator facilitating the dialogue between the parties -, which can be very difficult to achieve - and the qualities and skills of each mediator are essential to achieve a communication capable of leading to the relaxation of relations between the parties and not to their amplification.

We emphasize, therefore, that the mediator must discover the cause, the source of the conflict, and this can only be achieved if the mediator accumulates as much data as possible about the parties, and, at the same time, if he manages to win the trust of the parties. We can thus say that the mediators who will obtain positive results certainly have a vocation for this profession.

Experience has shown us that, despite the almost unlimited access to information, there are still wrong perceptions and mindsets, all of which are subsumed by the insufficient knowledge of the legal reality faced by the business environment in Romania, according to which the court is the only authority that can resolve a dispute between two or more parties.

### **Advantages of Mediation**

Any of these alternatives offers the parties the opportunity to resolve their misunderstandings much faster and more efficiently than in the case of a traditional process. Most of the time, people can reach a compromise without the intervention of a judge or, in rarer cases, even without the involvement of a lawyer [11]. The main advantages of such systems are the low costs and the shorter time required to resolve disputes [12].

Mediation appears to be the most advantageous procedure when the parties decide to resolve the conflict, they are in. Whether it is a civil conflict, whether it is a commercial conflict, whether it is a family conflict or another type, mediation is presented as a very advantageous option for the parties to the conflict [13].

Considerable time and money savings, neutrality and impartiality of the mediator, confidentiality of discussions, decision-making power still in the hands of the parties to the conflict, flexible procedure, active participation in discussions and setting the mediation agenda, the solution not imposed by a court or a person, are among the general advantages of mediation, very important advantages in each case. In addition to the general advantages, each case can present advantages for its mediation - we consider the mediation of a divorce, the mediation of a joint custody, the mediation of an intellectual property conflict, the mediation of a conflict in which a person/public institution is a party, etc.

### **Disadvantages of Mediation**

The advantages are many and differ from case to case. But what would be the disadvantages of mediation? There are no things in the world that do not have shortages, deficiencies, needs of rethinking, airiness needs, resettlement, or reformation [14].

The disadvantages of mediation, objectively speaking, are five in number from our point of view.

At the top [15] would be the citizens' lack of trust in this new method of resolving disputes. The newness of the field is a disadvantage in developing trust in this process. The novelty also comes from the custom of the categorical and direct intervention of the judge in the conflict, from the custom of “turning the back” of the party in the conflict. What the mediators do, namely, inviting the parties from the conflict to mediate, to discussions, is just beginning to be viewed with openness by some citizens. From the classic “Romanian greeting”: I'm suing you! to tempering the parties to create a ground for discussion and dialogue, the path is a little



difficult, but it's open. The legislator proposes to the parties to the conflict a meeting with a mediator before a judicial process (the well-known obligation of a meeting with a mediator in force since August 1, 2013), offering them considerable financial incentives if they resolve their dispute in the mediation office. Time will be the one that will give the note of success to the mediation with the resolution of a significant number of conflicts from various fields of social relations.

A second disadvantage of mediation in general would be the early practice of mediators. This disadvantage is related to the one above and is a normality in the development of mediation in any state where this method was introduced, even in the USA, where it was born. It is normal because it is self-evident to anyone that a mediator with 20 mediations is far ahead of a mediator with 5 mediations, and we are strictly referring to the applicability of mediation techniques and strategies with conflicting parties - so to the daily practice in the analysis of the conflict and dialogue with the conflicting parties to establish the option generation framework and negotiation scheme. In Romania there are already many experienced mediators, and the exchange of experience between mediators is on their weekly agenda in terms of continuous professional training.

A third disadvantage is the misunderstanding of the mediation procedure, its role and purpose by some of the legal practitioners, and the negative publicity towards mediation and mediators. We are strictly referring to some of the legal advisers and lawyers. Some of them, erroneously, took an offensive position regarding mediation, not understanding its purpose and mission in the management of conflicts, whether judicial or extrajudicial. The neutral third party at the head of the mediation table has no role of assistance or legal advice, being sanctioned for this. The mediator does not replace the lawyer, nor the object of his activity (the object of mediation clearly differs from the object of advocacy) but complements his work in a way that is as satisfactory as possible for him and his client. Mediation does not stop or limit the activity of assistance or legal representation but complements this activity by providing it with new resources. The lawyer's work thus becomes more important and increases its scope of applicability. If before the lawyer went with his client only to the courtroom and the solution was in the hands of the judge, mediation offers the lawyer an extra chance for his client, implicitly for him as well. The chance of mediation is even more important for the lawyer as he knows how to represent his client's interest in mediation discussions, having in his hands both the speech in front of the opposing party and the mediator, as well as the power to decide a solution in direct and immediate collaboration with the part it represents. It is very interesting for a lawyer to actively participate and be involved in mediation, to increase the client's chances of winning or even through an amicable solution [16].

A fourth [17] disadvantage would be the legislative inconsistency in the field of mediation. Every year, the Mediation Law endures amputations upon amputations, each modification going on the myristic principle a few steps forward and many back. The lack of legislative coherence and stabilization and follow-up of a strategy to implement mediation in various disputes or to legislate a first meeting with the mediator has created various legislative gaps and a multitude of interprofessional and interprofessional discussions of mediators. Although a normality for unspecialized local politics, this denotes an abnormality of the initial training and consolidation framework of a method that, under any conditions, will develop and be a procedure that almost every citizen will call upon when they are part of a conflict.

A fifth [18] disadvantage of mediation would be the incognizance of this procedure by the ordinary citizen, the person in conflict, or with the potential to be in conflict at a given moment. Ignorance of mediation by such a person entitles him to appeal to the judge. Not knowing of another person other than the judge, or of another procedure - mediation, to help him in the conflict in which he is a party, the person in question continues, out of habit, to the judge. Under these conditions, the judge has the power to invite the parties to the conflict, during the judicial

process, to a mediation session, to resolve the conflict amicably in the mediator's office. The new regulations in force, which oblige the parties from the conflict to go through a meeting with the mediator, come to fill this lack of knowledge of the citizens in the conflicts regarding mediation and propose an amicable solution.

## Conclusions

The tact of the mediator and the advantages further supported by the state will be essential points for the people in the conflict in knowing the content of the mediation (the role, rights, and obligations of them and of the mediator) and implicitly in resorting to this method of solving the problems/conflicts in which they are involved. These seem to be the major disadvantages of mediation now, seen from our point of view, disadvantages that must be considered and assimilated by the factors involved in the exercise of mediation but also in the promotion and law-making of this procedure.

In conclusion, we share the conviction that mediation will undoubtedly become a pregnant presence in the Romanian socio-legal landscape. We sustain the opinion that the mediation law in Romania - which has in the foreground the person, with his dignity and values - tried to open the “gate” from our side to cultural and political Europe.

We, therefore, want, mediation to take its rightful place as quickly as possible and in fact (not only in law) among the alternative methods of conflicts resolution in Romania, as it really represents a noble form of justice.

## REFERENCES

- [1] See Gârleanu D. (2002), Mediation between students, in vol. Aggression in school (Medierea între elevi, în vol. Agresivitatea în școală), coordinator Soitu L. and Hăvârneanu C. (2001). Publishing House Institutul European, Iași, Romania, pp. 197-216.
- [2] See Șuștac Z., Ignat C. (2008). Alternative methods of conflict resolution -ADR (Modalități alternative de soluționare a conflictelor - ADR, Publishing House Universitară, Bucharest, pp. 25-30.
- [3] See for details the web site: Centre de Médiation et d' Arbitrage de Paris, [www.cmap.fr](http://www.cmap.fr).
- [4] See Alexander N. (2006). Global trend in mediation, Kluwer Law International Publisher, 2nd Edition, The Netherlands, November, page 55.
- [5] *Ibidem*.
- [6] Community mediation also includes victim-aggressor mediation, community mediation and school mediation.
- [7] See Schelling T.C. (2000). Strategy of Conflict, Oxford University Press, New York, p. 286 et seq.
- [8] See Ponea C-tin Ș. (2007). Mediation - method of resolving conflict situations (Medierea – metoda de rezolvare a situațiilor conflictuale), Journal of Legal Sciences no. 4/2007, Craiova, Romania, p. 48.
- [9] Family conflict mediation aims to improve communication between family members and reduce the size of disputes. For details, see Nagy, O. V. (2020), The usefulness of the mediation agreement in the divorce procedure (Utilitatea acordului de mediere în procedura divorțului), published in the volume of Conferences intitled Education, science, and society in XXI century, opportunities and challenges, 24 November 2020, Publishing House RISOPRINT, Cluj-Napoca, Romania, 2020, p. 58.
- [10] See Gârleanu, D. (2002). Mediation between students, in vol. Aggressiveness in school (Medierea între elevi, în volumul Agresivitatea în școală), coordinator Suite, L and Havanan, C. (2001), Publishing House of the European Institute, Iasi, Romania, pp. 197-216.
- [11] See Zlate, M. (2007). Treatise on organizational-managerial psychology (*Tratat de psihologie organizațional-managerială*), Publishing House Polirom, Iași, Romania, p. 37.
- [12] *Ibidem*.
- [13] See Dorin I. Disadvantages of mediation (Dezavantajele medierii), site: [www.juridice.ro](http://www.juridice.ro).
- [14] Pruitt D. G., Carnevale P. (1993). Negotiation in Social Conflict, Brooks/Cole Publishing, Pacific Grove, p. 64.
- [15] *Ibidem*.
- [16] See Fisher R. J. (1997). Interactive Conflict Resolution, Syracuse University Press, New York, p. 125.
- [17] See Dorin I. Disadvantages of mediation (Dezavantajele medierii), site: [www.juridice.ro](http://www.juridice.ro).
- [18] *Ibidem*.

## Alternative Dispute Resolution “ADR” - General Aspects

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### **Abstract**

In this article we will analyze aspects regarding Alternative Dispute Resolution ADR, their advantages and disadvantages, and the way it can help us to resolve a conflictual situation in different areas.

In the last part, we will show the importance of these ADR in the society of our days and the legacy that we must transmit to future generations for using more and more these ways of resolving a dispute in the future.

*Keywords: law, conflicts, resolution, alternative solving.*

### **Introduction**

It is a term used mainly when talking about alternative dispute resolution methods. ADR designates several non-litigious procedures for resolving conflicts, without the intervention of a court.

As a general feature [1], ADR methods are used regarding matters that the parties can dispose of, such methods cannot be used in matters reserved for the court or other authorities with specific competences (for example, in the matter of the succession debate, where the parties must address a notary or, in case of misunderstandings, the court).

However, in commercial matters and/or between professionals, there are rarer cases where we talk about rights that cannot be disposed of (an example would be in the case of the insolvency of a company, which can only be carried out under the supervision of a syndic judge and through an administrator/judicial liquidator).

Knowledge of alternative dispute resolution methods and their benefits can prove to save time and money, provided it is capitalized in the pre-contractual negotiations, by discussing and introducing clauses for the choice of one/some such ADR methods [2].

Thus, depending on the specifics of the relations between the parties, a path can be chosen that tends, if not to avoid litigation, at least to limit its extension in time and the unfortunate economic consequences of such a (longer) settlement period.

Of course, the court remains the guardian of any of the alternative dispute resolution methods and, depending on the specifics and characteristics of each of them, it maintains a distinct role, not being excluded from the plan and/or altogether.

When and how they can be used, when they cannot be used, are some of the questions we will answer next, and in the following sections we will pay special attention to arbitration and mediation, which are the most important of the most important ADR methods [3]. The most known and used of these are: negotiation, conciliation, mediation, and arbitration.

## **The Negotiation**

It is the dispute resolution method in which the parties involved in the conflict try to reach an agreement to resolve misunderstandings, using communication techniques, applied in a direct dialogue. Negotiating parties need mutual involvement to achieve the desired result. Negotiation makes sense if the other side has something you want and you have something to offer in return. Negotiation is a process of meeting differences. If you reach a complete agreement with the other party, then there is nothing left to negotiate [4].

The parties must consider negotiation, or at least start like this, as the best way to resolve their differences; otherwise, they will end up in avoidance, capitulation, or war. Each party must believe that there is a possibility of convincing the other to change its initial position and agree to a “compromise” acceptable to both parties.

## **The Conciliation**

It represents an independent formula for the amicable resolution of disputes through the intervention of a third party and is primarily based on the highlighting of common interests and ensuring their distribution as fair as possible between the parties.

Conciliation first implies the ability of the parties to communicate and make decisions to reach common points and to take common decisions that lead to the resolution of the conflict and therefore to overcoming the phase in which the interests of the parties are divergent.

In general, during the conciliation, the parties are assisted by specialists, actual consultants or by lawyers, who are in most cases the ones who establish the rules of the conciliation and what's more, they have an important role in achieving the objective of the conciliation and namely that of relaunching the relations between the parties.

The Romanian legislator consecrated the importance of discussions and negotiations between the parties in the phase prior to appealing to the court of law, as a possible method of reducing the number of disputes on the role of the courts of law, by introducing the obligation of prior conciliation in commercial matters, currently in disputes between professionals (following the changes brought by the New Civil Code entered into force on 01.10.2011), as a condition for the admissibility of the summons request in this matter (art. 720 index 1 of the Code of Civil Procedure) [5].

## **The Mediation**

It represents, according to its legal definition (Law no. 192/2006 on mediation and the organization of the mediator profession), a way of resolving conflicts amicably, with the help of a third person specialized as a mediator, under conditions of neutrality, impartiality, confidentiality and having the free consent of the parties.

The task of the mediator is to facilitate reaching a solution that satisfies both parties. The mediator does not impose a solution but makes sure that the parties reach a compromise independently. In mediation, the parties are not limited by the provisions of the law or rules of procedure. Therefore, the resolution of the dispute will not necessarily be based on the provisions of a law, but may refer to good morals, loyalty, or legitimacy.

Mediation has been defined as an “enhanced negotiation”. With or without the assistance of a lawyer, the parties present their point of view to a mediator, who is a neutral person. The mediator tries to bring the parties to an agreement using various methods by which he causes them to listen to each other, asking them questions for which he does not expect an exact answer, and thus giving them the opportunity to understand each other's position. The result of

the mediation is not binding, the parties can accept or reject the recommendations of the mediator.

Against the background of recent legislative changes, including essential codes, mediation takes on an increasingly important role, establishing certain matters (civil, family, etc.) in which participation in an information session on mediation is a prerequisite for court referral.

Also, at the community level, Directive [6] 2008/52/EC of the European Parliament, and the Council of May 21, 2008, was adopted regarding certain aspects of mediation in civil and commercial matters, which aims, as a fundamental objective, to facilitate access to alternative dispute resolution by consecrating, at the disposal of the courts of the member states, of the necessary procedural instruments for the active promotion of recourse to mediation [7].

### ***The Principles of Mediation***

#### *The Voluntary [8] Nature of the Mediation Procedure*

None of the parties may be compelled by any person or authority to participate in mediation [9].

#### *Self-Determination of the Parties*

It is a principle that affirms the right and ability of parties to define their own problems, needs and solutions. Any term stipulated by the parties' understanding must be proposed and accepted by the parties, just as all decisions taken during mediation have the agreement of all parties

#### *Confidentiality*

Both the mediator, the parties to the dispute, as well as the lawyers (if they are present during the mediation procedure) undertake to maintain the confidentiality of all aspects discussed in the mediation.

#### *The Neutrality*

Neutrality refers to the fact that the mediator remains outside the conflict between the parties, not getting involved in this dispute except within the limits imposed by the mediation procedure [10]. The mediator is not related to the parties and the subject matter of the dispute, he is not in a conflict of interest with the parties, regarding the relationship and the subject of the dispute [11].

### ***The Stages of the Mediation Process [12]***

#### 1. Opening the procedure: the mediator sets the framework

The mediator begins by explaining the purpose of the mediation process, how it is conducted and his role within it. The mediator sets the rules and asks each party to agree to that specific process.

#### 2. Exposes of the issue by the parties.

The mediator listens to each party about the issue at hand, acknowledges their feelings, comforts them if necessary, and identifies each party's concerns.

#### 3. Identify problems and set the agenda for negotiations

At this stage, the mediator sets the agenda of the negotiations by summarizing the areas on which there is agreement (similar concerns) and those on which there are disagreements. The mediator determines, in consultation with the parties, the issues to be discussed.

4. Generating solutions/options

The mediator helps the parties, by exchanging ideas with them, to consider a range of options and solutions for their situation.

5. Analyzing options and selecting the most practical/acceptable option/solution

At this stage, the mediator helps to progress towards an agreement, considering the options that emerged from the negotiations and choosing the most practical and acceptable to each party.

6. End of the mediation

- An agreement is reached.
- The mediator assists the parties to draft a clear and detailed agreement.
- Legal representatives may review the mediation agreement to ensure that this agreement will produce legal effects in all relevant legal systems.

## **The Arbitration**

It represents an alternative jurisdiction with a private character and is one of the already traditional methods of resolving disputes, which has seen a spectacular evolution at the international level, being currently the way to resolve the most important (including or especially from the economic perspective) disputes between professionals.

Arbitration requires the existence of an agreement between the parties, either in the form of a clause inserted in the contract between them, or in the form of a separate agreement, so that the dispute/disputes between them regarding a certain report, contract, etc. to be resolved through arbitration, based on a generally pre-established procedures, similar to the court procedure, by one or more persons having the capacity of arbitrators, who function in a quasi-judicial capacity and who are usually recognized professionals in a certain field [13].

Usually, the arbitration takes place under the auspices of an arbitration institution, with its own rules regarding the arbitration procedure (for example, the Court of International Commercial Arbitration next to the Chamber of Commerce and Industry of Romania, the Court of International Arbitration in Paris). There is also the option of ad hoc arbitration, when the parties choose one or more arbitrators who resolve the dispute based on rules that they agree with the parties by mutual agreement without the possible limitations that it implies because of a predetermined procedure such as the within the framework of institutionalized arbitration (it is also possible to resort to internationally recognized instruments, such as the UNCITRAL rules, or the adoption of the rules of an arbitration institution).

Unlike mediation, the decisions of an arbitrator or an arbitral tribunal are binding and can be enforced, the latter being one of the major advantages of this dispute resolution method, in addition to the speed of its resolution, as well as the characteristic which brings it closer to the court of law. Another advantage is represented by the fact that arbitrators are usually specialists in the field in which the dispute arises, thus having a different approach in understanding and resolving the dispute.

## **Conclusions**

The ADR, from our point of view and from the point of view of doctrine represents all the methods of voluntary resolution of conflicts, on the amicable way, in which the parties involved decide to settle their differences by direct involvement in obtaining a mutually agreed, solid and sustainable solution, having decision-making power in conflict resolution.

We conclude that in the society of today these methods of resolving a conflict bring us more advantages than the old, traditional solution in court. The main reasons in the society of today to resort to ADR are the short time of solutioning a conflict and the possibility of concluding an agreement that will bring advantages to both parties involved.

## REFERENCES

- [1] See Vasile C., Tugearu A. (2012). Disputes Guide (Ghidul litigiilor), from the site [www.avocatnet.ro](http://www.avocatnet.ro)
- [2] See Terța I. D. Considerations regarding the mediation procedure (Considerații privind procedura medierii), Commercial Law Magazine, no. 3/2002, Bucharest, p. 78.
- [3] Ibidem.
- [4] Ibidem.
- [5] See Vasile C., Tugearu A. (2012). Disputes Guide (Ghidul litigiilor), from the site [www.avocatnet.ro](http://www.avocatnet.ro).
- [6] In this sense, we emphasize, the directive has binding force for the member states in terms of the result to be obtained. For details, see Cătană E.L., Toncean-Luieran I.R. (2018), *European Union law: history, institutions, sources, fundamental freedoms, jurisprudence (Dreptul Uniunii Europene: istoric, instituții, izvoare, libertăți fundamentale, jurisprudență)*, Publishing House Universul Juridic, Bucharest, pp. 171-172.
- [7] Ibidem.
- [8] Due to this character, for example in the case of family mediation, the existence of an agreement between the spouses to resolve the conflict in this way is essential. For details on the use of the mediation procedure in the case of dissolution of marriage, see Nagy, O. V. (2021), Theoretical and practical analysis of Romania's internal regulations on divorce (Analiza teoretică și practică a reglementărilor interne ale României în materia divorțului), Publishing House Universul Juridic, Bucharest, p. 137.
- [9] See for details Popescu, I. mediator office, site [www.mediatori-sibieni.ro](http://www.mediatori-sibieni.ro)
- [10] Ibidem.
- [11] See Baias F. A., Belegante V. Mediation - another kind of justice (Medierea - un alt fel de justiție), Commercial Law Magazine, no. 7-8/2002, Romania, p. 68.
- [12] Regardless of the mediation model that is applied, the following stages of the mediation process can be identified, site [www.e-justice.europa.eu](http://www.e-justice.europa.eu)
- [13] See Vasile C. Disputes guide (Ghidul litigiilor), on site [www.avocatnet.ro](http://www.avocatnet.ro)

# The Powers of the President of Romania in Relation to the Legislative Authority

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## Abstract

In the Romanian constitutional system, both the President and the Parliament are elected by universal, equal, direct, secret, and freely-expressed ballot. Between these two public authorities there are institutional relationships, each authority having a well-delimited competence.

According to the Romanian Constitution, revised, the relations between the President and the Parliament are relations that regard addressing messages to the Parliament, convening and dissolving the Parliament, passing laws, and other responsibilities that involve a form of cooperation with the Parliament, such as a referendum. The present study is an analysis of the responsibilities of the President of Romania in his relations with the Parliament, as occurred over time.

*Keywords: President of Romania, Parliament, constitutional norms, responsibilities, interinstitutional relations, Decisions of the Constitutional Court of Romania, parliamentary procedure, elements of parliamentary practice.*

## Classification

In the current Romanian doctrine, the President's attributions are mainly analyzed according to several criteria:

### ***According to the Criteria of its Functions***

We distinguish specific attributes of the head of state; duties to perform the position of head of the executive; duties to defend the Constitution and duties to ensure the proper functioning of public authorities.

### ***According to the Criterion of the Subject Against Which it is Exercised***

We distinguish attributions exercised in relations with the Parliament; powers exercised in relations with the Government; duties exercised in relations with other authorities of the public administration, in the realization of national public services; duties in relations with the judiciary and the Constitutional Court; duties in relation to the people [1]. We mention the fact that in this study we will analyze the powers of the President of Romania in his relations with the Parliament.

### ***According to the Criterion of Content***

There were identified different categories of attributions regarding legislation, training and training approval as well, appointing or revoking public authorities; duties concerning the country's defense and ensuring the public order as well as foreign policy duties and other duties [2].



## **Attributions**

### ***Addressing the Message to the Parliament***

The possibility of the President of Romania to address messages to the parliament regarding the main political problems of nations is provided in art. 88 of the Constitution, republished.

A constitutional provision regarding the obligation to present a message by the President of Romania is also found in art. 92 consecrated attributions in the field of defense. So, according to art. 92 para. (3), measures to repel armed aggression against countries, taken by the President of Romania, must be brought to the attention of the Parliament without delay, by it, through a message.

The constitution enshrines a message in normal situations and in exceptional cases.

In doctrine, it was done, in what appreciates the President's message regulated in art. 88 of the Constitution, as head of the executive, alongside the prime minister, it is natural for the President to dispose of institutionalized laws with Parliament, the public authority exercising control over the Government and public administration [3].

The role of presidential messages is to sensitize the legislative forum with priority political issues or which from the point of view of the legislative power and executive power are viewed differently, running the risk of producing blockages in state activity or convulsions in social life [4].

Thus, the president draws attention only to some problems, without acquiring a position of superiority within the constitutional system, Parliament being sovereign to adopt or not certain subsequent measures [5].

In the absence of an adequate legislative framework, the exercise of this constitutional attribution, raised issues, in doctrine, regarding the content of the message, to the form of its address, as well as to the applicable and implied legal regime, the effects of the message [6].

Regarding the first aspect, it was appreciated that the scope of the problems that can be the object of the message is relatively determined, being left to the discretion of the President, who can decide on its content. In terms of the form of addressing the message, neither the Constitution nor any other legal text contains any clarification, various forms of addressing can be imagined, namely: direct presentation by the President, reading the message by a presidential aide or even sending the message in the form of a public letter.

Regarding the content of art. 88, related to the legal regime and effects of the message, in parliamentary practice and, implicitly, in doctrine the question arose whether its actual debate should take place immediately or could be done later.

The only constitutional clarification related to the President's message, without distinguishing whether it is a message addressed in conditions of art. 88 or under the conditions of art. 92 para. (3) is the one related to the obligation of the two Chambers to meet in joint session for a "receive the message of the President of Romania", according to art. 65 para. (2) lit. a) from the republished Constitution. The message can therefore constitute, in an official attention of the Parliament, a reason for reflection and meditation, with no further debate absolutely necessary, with or without the participation of the President.

### ***Convocation of the Parliament***

The convocation of the Parliament by the President of Romania takes place in two situations:

In the first case, the President has the constitutional obligation to convene the new parliament after the general parliamentary elections, in ordinary session if the term is fulfilled during the two ordinary sessions or in the extraordinary session if the term is fulfilled during the parliamentary vacation. The 20-day period begins to run from the date of stability for the conduct of parliamentary elections, regardless of their result and regardless of the number of voting rounds that can be established by the electoral law [7].

In the second case, the President is one of the subjects of notification of an extraordinary session, along with the permanent office of each Chamber or at least one third of the number of deputies or senators. The actual convocation, however, rests with the presidents of the two chambers, provision appreciated in the doctrine as being likely to express the principle of independence of the Chambers in relation to the executive [8].

### ***Dissolution of Parliament***

The dissolution of Parliament is expressly regulated in art. 89 of the Constitution, being able to intervene in the event of a serious governmental crisis with the cumulative fulfillment of no less than six conditions, aspect that makes it almost impossible to achieve in State practice.

The solution regarding the dissolution of the Parliament did not express the option of the Drafting Commission of the Constitution, but rather the political decision of the Constituent Assembly [9].

Thus, from the content of the constitutional provision, the dissolution of the Parliament is an attribution left to the discretion of the President, “after consulting the presidents of the two chambers and the leaders of the parliamentary groups, if he did not grant the vote of confidence for the formation of the Government within 60 days from the first request and only after the rejection of at least two investment requests”.

In addition, “in the course of a year, the Parliamentarian can be dissolved only once and he cannot be dissolved during the last six months of the mandate of the President of Romania nor during a state of mobilization, war, siege or emergency” [10].

### ***Promulgation of the Law***

The promulgation of the associated law is a constant of contemporary public law, costing in recognition in favor of the head of state, either a constitutional monarch or the president of the republic. In other words, the promulgation of the scope of the act through which the head of state authenticates the text of the law [11].

According to art. 77 of the Constitution remained unchanged following the revision: “(1) The law is sent to the President of Romania for promulgation. The promulgation of the law is done within 20 days at most from receipt. (2) Before promulgation, the President can ask the Parliament, once, to re-examine the law. (3) If the President requested the re-examination of the law or if the verification of its constitutionality was requested, the promulgation is done within 10 days of the first law adopted after re-examination or from the receipt of the decision of the Constitutional Court, which confirmed its constitutionality”.

As a rule, the President promulgates the law within 20 days of receiving it. The actual promulgation is carried out by issuing a presidential decree, on the ground that it is to be numbered and published [12].

### ***Request to Review the Law***

However, if the President has doubts about the content of the law in its entirety or only about certain of its provisions, either from the aspect of constitutionality or from the aspect of expediency, the Constitution offers two levers of action.

According to the provision mentioned above, the President can request the re-examination of the law, for any reason, which can range from the unacceptability of some texts to the correction of material errors, in which case the law will return to the Chamber, the observations made by him being discussed.

These provisions have been criticized in doctrine on the grounds that “they do not clarify in any way what is the legal value of re-sending for reconsideration to the Parliament, in the sense that it is not shown anywhere whether the Parliament is obliged to amend the law following the re-examination, taking into account the President's observations”, a situation in which

practically, Parliament can re-adopt the law in the same form, regardless of the President's observations. From here, the conclusion that the only consequence of sending the law for re-examination would be to delay the publication of the law [13].

### ***Referendum***

The referendum is also part of the scope of the presidential powers that require the intervention of the Parliament, given these in its relations with the people. The President of Romania, after consulting the Parliament, has the possibility to ask the people to express, by referendum, the will regarding the issue of national interest (art. 90 of the Constitution).

In this way, representative democracy is combined with procedures of semi-direct democracy, through which the people are consulted on issues of national interest [14].

Through these constitutional provisions, the head of state is given the right to be in permanent contact with the citizens, with those who elected him. It is one of the direct ways available to the President to find out whether or not he still has the support of the electorate [15].

Thus, the formula regarding “issues of national interest” was criticized in the doctrine as being too general, in an extensive acceptance, all important issues being of national interest, regardless of whether they are economic, military or political. A correct interpretation could be that the referendum should refer to issues other than those that are expressly given in the competence of the legislative power. For example, a referendum could be organized in relation to the Government's reform program, etc. [16].

### **REFERENCES**

- [1] Cătană E.L. (2021). *Administrative Law*, C.H. Beck Publishing House, Bucharest, p. 33.
- [2] Muraru I., Tănăsescu E.S. (2013). *Constitutional law and political institutions*, C.H. Beck Publishing house, Bucharest, p. 259.
- [3] Iorgan A. (2005). *Treaty of administrative law*, All Beck Publishing House, Bucharest, p. 299.
- [4] Vida, I. (1994). *Executive power and public administration*, Publishing Universul Juridic, Bucharest, p. 50.
- [5] Duculescu V., Călinoiu C., Duculescu G. (1997). *Constitution of Romania – commented and annotated*, Lumina Lex Publishing House, Bucharest, p. 275.
- [6] Iorgan A. (2005). *Treaty of administrative law*, All Beck Publishing House, Bucharest, p. 300.
- [7] Vida, I., (1992). *Executive power and public administration*, Publishing Universul Juridic, Bucharest, p. 144.
- [8] Vida I., (1992). *Executive power and public administration*, Publishing Universul Juridic, Bucharest, p. 152.
- [9] Iorgovan A. (1998). *Odyssey of elaboration and political institutions*, Lumina Lex Publishing House, Târgu Mureș, pp. 230, 270-271, 507, 561-563, 787, 822.
- [10] Vasilescu F. (1992). *Constitution of Romania - commented and annotated*, Regia Autonomă Publishing House “Monitorul Oficial”, Bucharest, p. 202.
- [11] Muraru I., Tănăsescu E.S., (2006), *Constitutional law and political institutions*, Publishing House C.H. Beck, Bucharest, p. 215-216.
- [12] Constantinescu, M. (2004). *Constitution of Romania - comments and explanations*, All Beck Publishing House, Bucharest, p. 138.
- [13] Brezoianu D. (2004). *Romanian Administrative Law*, All Beck Publishing House, Bucharest, p. 303-310.
- [14] Vida, I. (1994). *Administrative law*, Regia Autonomă Publishing House “Monitorul Oficial”, Bucharest, p. 63.
- [15] Deaconu Sf. *Some considerations for the consultative national referendum in Romania*, Law no. 11/2007, page 40.
- [16] Duculescu V., Călinoiu C., Duculescu G. (1997). *Constitution of Romania - commentary and annotation*, Lumina Lex Publishing House, Bucharest, p. 278.

# **PSYCHOLOGY SECTION**

# The Importance of Projective Tests in the Assessment of Child Sexual Abuse

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## Abstract

This article describes a series of techniques used by expert psychologists in the complex process of evaluating and identifying the elements of sexual abuse, particularized in a case study. Among them are the projective techniques through which the subject expresses his wishes, fantasies, the way he perceives relationships with other people and unconscious conflicts.

*Keywords: child sexual abuse, projective techniques*

Child sexual abuse includes any sexual act involving a child and intended to provide sexual satisfaction to a parent, caregiver or other person responsible for the child. Sexual abuse includes activities such as fondling a child's genitals, penetration, incest, rape, sodomy and indecent exposure. Sexual abuse also includes the non-sexual exploitation of a child by a parent or caregiver – for example coercing, tricking, tempting, threatening or coercing a child to participate in acts aimed at the sexual gratification of others, without direct physical contact between the child and the aggressor. [1].

According to the data published by the National Authority for the Rights of Persons with Disabilities, Children and Adoptions from Romania, in the first nine months of 2021, 1,019 cases of sexual abuse of children, 128 boys and 891 girls, were registered, out of which 379 in the urban environment and 640 in rural areas. Despite the seriousness and long-term trauma, over half of child sexual abuse cases remain unsolved.

Research results show that childhood sexual abuse determines: hypersexualized behavior; anxious concern and inability to build lasting intimate relationships; internalization of victim behavior in choosing a life partner; problems in sexual relationships, lack of pleasure during sex, presence of physiologically unfounded pain, frigidity, lack of orgasm; rebellious behavior as a self-defense mechanism that is developed, including aggression, fear, distrust in people; health problems; repeated sexual abuse; suicide attempts; the transmission victim behavior, including to their children; lack of stable relationships, simultaneous relationships with 3-4 partners, including married ones; early sexual relations, etc. [2].

The complex process of evaluating child sexual abuse is carried out by the expert psychologist, using tools that provide a series of qualitative data.

According to the Standards for psychological expertise activity issued by the Romanian College of Psychologists, approved by Decision no. 36/01.08.2021, the psychologist has an adequate palette of tools, methods, techniques and quantitative and qualitative approaches for the scientific substantiation of specialized opinions or the implementation of the interventions required by the formulated objectives. He also uses a scientifically based methodology to respond to the objectives of the expertise/evaluation, appropriately combining qualitative methods (clinical observation, anamnesis, interview, projective tests, analysis of documents,

reports prepared by other professionals, audio/video recordings, etc.) with relevant quantitative samples and tests [3].

In the opinion of S. Popescu [4], the psychological assessment of child sexual abuse remains a difficult diagnostic approach in the context of the child's age, family life that involves its organization and a series of aspects related to the quality of parental care as well as in relation to the history regarding the child's neuropsychic development, the defense mechanisms he develops in such a situation, involving fear, shame, guilt.

The drawing represents the operation by which the subject expels into the outside world the thoughts, affects, desires that he disputes or refuses and that he attributes to other people or things in his environment [5].

French clinical psychologists [6], [7] promote the idea of resorting to projective techniques when performing a psychological examination to identify elements related to sexual abuse.

### *Case Study*

The minor T.M., aged 7 years and 10 months, is a student in the first grade. He is currently integrated in a Social Institution.

The following tests were applied: Tree Test, K. Koch (2015), Family Drawing Test, C. Jourdan-Ionescu, J. Lahance (2006), ASEBA (Achenbach System of Empirically Based Evaluation), T.A.C. (Thematic Apperception Test for Children), L. Bellak (2015), "The story of the ant" - created by Royer and later validated by De Tychev [7], Checklist for Child Abuse Evaluation.

During the clinical interview regarding sexual abuse, the boy recounts an episode in which, being in the care of "Ionuț" ("my sisters' father"), (the man they lived with at the time of the alleged abuse), "he out ... (indicates male genitalia) and wanted to fool around with me one night. I was in bed with him, and my sisters were in another bed, in the same room." When asked how many times this episode was repeated, the child states that it happened only once.

Description of the scene: "He touched me on the mouth with ... (indicates the male genital organ) and then on the bottom." He states that he felt pain following the contact in the genital area, but the degree of penetration (superficial/deep) could not be identified. No information about ejaculation was available. He cannot identify the time period in which this scene took place (month / day of the week) and does not remember details of the time of the incident or details of the clothing he/the assailant was wearing, stating only that "it was a pajama". He mentions that the man "took off his pants and panties".

Asked if he smelled anything, the answer is negative; asked if he felt any taste after oral contact, the answer was "skin taste". He did not make statements about adult kissing/stroking/licking/sucking on any part of the body.

He thinks the alleged assailant "should go to jail." He reports the presence of similar abuses at the age of 6 "by some boys, at a cabin".

We present below the stories evoked by the child on the boards of T.A.C:

Plate 1. "Some chickens eating worms. They are happy that mom brought them food."

Plate 2. "Some bears playing a game of tug-of-war. They are tired because they fired too hard. I think the two will win because they have more strength."

Plate 3. "It is a lion king who is sad because he is sitting with his hand under his chin."

Plate 4. "Some kangaroos (the mother and her smallest cub) going on a picnic by bicycle. They are happy."

Plate 5. "Some little bear cubs sleeping alone in a crib. There are two of them. They are scared because they are alone without their mother and it is dark. Mom's out for food."

Plate 6. "Some foxes that have eaten and went to sleep peacefully. One of them is cold and can't sleep."

Plate 7. “A tiger hunting a monkey. The monkey will die because the tiger will eat him.”

Plate 8. “There are some monkeys drinking coffee and telling stories. They are happy because they met. And a mother talking to her child.”

Plate 9. “A rabbit that is awake. He is afraid because he is alone. His mother went far away to find shelter, in the heat. Mother will come after him in a while.”

Plate 10. “Some dogs going to the bathroom. They are angry. The little dog wants to go to the bathroom, but the mother doesn't want to let him because he might fall into the toilet and get dirty.”

In the Ant Story test (used in research for situations related to alleged sexual abuse of children) [8] the questions addressed to the child are as follows:

A boy fell asleep one day in the grass in a clearing. An ant approaches the child and asks: “What will this be?” and as she was very curious, she began to explore the child's body by climbing on it.

1. On which part of the body does the ant climb?
2. Starting from there she walks everywhere. Where do you think she is walking and what does she see?
3. Then the ant sees a small hole and is curious to see what is inside. What hole was it? She enters and walks through the child's body. What does she see? And then where does she come out?
4. The ant saw a lot on her journey. Do you think she saw beautiful or ugly things? What was beautiful? What was ugly?

5. What did the child feel when the ant visited him? Did he like it? Did it hurt him?

6. How do you think the story ends?

The child gives the following answers:

1. “The ant climbs on the boy's hand.”
2. “The ant walks on the nails and starts biting them.”
3. “The ant enters the ear and bites it.”
4. “The ant saw the eardrum, it saw disgusting things, wax, but also beautiful, special things.”
5. “The child felt an itch, he didn't like it.”
6. “The ant slipped out. The boy got angry and crushed her.”

Following the interpretation of the results obtained in the evaluation session, the following aspects are outlined: the minor is at the level of average intelligence, an aspect that supports the possibility of understanding the situations he is going through. The analysis of the protocol (ASEBA) completed by the teacher reveals that the child is within the normal range in terms of anxiety, depression, loneliness, somatic accusations, social relationship problems, thinking problems, attention problems, hyperactivity, impulsivity, behavior that violates rules and aggressive behavior.

The analysis of the protocol completed by the legal representative also reveals that the child falls within the normal range in terms of anxiety, depression, somatic accusations, social relationship problems, thinking problems, hyperactivity, impulsivity and aggressive behavior. Scores on the Loneliness/Depression and Attention Problems and Rule Breaking Behavior scales are in the subclinical range. Difficulties in focusing attention over a longer period of time are mentioned (aspect also manifested during testing in the psychological office), not completing tasks (especially school ones, e.g. homework), frequently uses vulgar language, does not always follow the rules and argues often.

Regarding the personality structure, the minor outlines traits of extraversion, stubbornness, sensitivity, receptivity, practical tendencies, impressionability, influenceability, impatience, valuing one's own person, curiosity and interest in everything around him.

Regarding the identification of the elements of a presumptive sexual abuse, the interpretation of the results indicates the existence of a difficulty at sexual level and the fear of castration and

the overinvestment of the oral sphere. The child has no regressive references related to corporeality, being able to differentiate his own body image cognitively. Sensory reference is related to touch, and bodily touches are perceived as unpleasant.

The evaluation of the level of affective maturity, the existence of sexual problems and affective traumas revealed maternal fixation, the existence of recent/old emotional conflicts, adaptation difficulties, emotional lability, attached to the permanent, constancy in relationships, the existence of rejection affects towards family members and aggressive tendencies. The omission of family members indicates the hiding of an unacceptable and painful reality. The child feels a lack of safety in social contacts. There are elements that indicate a psychosomatic disorder (enuresis). The existence of a defensive process against the father figure was noted. He fears being left alone and feels abandoned by his parents (especially his mother).

## REFERENCES

- [1] American Psychiatric Association, DSM-5. Manual de diagnostic și clasificare statistică a tulburărilor mintale (2016), Ed. Medicală Callisto, pp. 718
- [2] Sîmboteanu D., Cheianu-Andrei D. (2016), Links between sexual abuse in childhood and risky sexual behavior in the adulthood: Research study, National Center for Child Abuse Prevention (NCCAP). Chișinău, pp. 6
- [3] Colegiul Psihologilor din România, 2021, Standarde pentru activitatea de expertiză psihologică art. 3.3, a, b, publicate în MONITORUL OFICIAL nr. 838 din 2 septembrie 2021
- [4] Popescu, S., (2021), Examenul psihologic al copilului cu presupus abuz sexual. Proiecție și imagine corporală., Al XXI-lea Congres SNPCAR (Societatea de Neurologie și Psihiatrie a Copilului și Adolescentului din România
- [5] Ionescu S., Lhote C., Jacquet M.M., (1997), Les mecanismes de defence: theorie et clinique. Paris, Nathan Université
- [6] De Tychev C., (2010), Test des contes en Clinique infantile, Paris, France: In Press
- [7] De Tychev C., Comparative genetic approach to the study of body image of children from 4 to 14 years of age using the fairy tale of the ant, 1993, Perceptual and Motors skills, 76(3s), p. 1179-1189
- [8] Revue québécoise de psychologie, 2018, 39(1), pp. 129-143



## Theories Connected to Non-Violent Communication

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### Abstract

This study give a thorough review of Marshall Rosenberg's NVC model and review the model meanings on different levels. The article makes a clearance about what do we mean by non-violence and wat is non-violent, compassionate communication. later it explains shortly the four steps of NVC model. After that the study draws Rosenberg's theoretical groundings: his educational philosophical statements, his concept on violence and non-violence. Furthermore, this study seeks for connections of the Model of NVC and the psychological background and states that NVC model grew out from Humanistic Psychology. Later analyses and describes development of the concepts of needs and relation between feelings and needs in the NVC model. From there we get to the point of what is the difference between empathy and sympathy and the author describes developing and differentiating the concept of Empathy and multi-dimensional empathy theories, further mentioning emotional Labour Modell: two types of emotional regulation strategy. After these the study located Rosenberg's understanding on empathy I the row of empathy models. Finally, the author refers evidence-based examinations on the effects of the knowledge of non-violent Communication and summarize the possible utilize of the NVC model and method for the applied psychology and education fields.

*Keywords: non-violent communication, empathy, philosophy, emotions, needs*

### What Do We Mean by Non-Violence?

The phrase of non-violent is not equal weakness, it is not self-abandonment, capitulating behaviour. It is more like a partner like disposition from a passionless, blissful emotional state. the compassionate communication towards other people is connected to this state.

The non-violent or compassionate communication (shortly NVC) is a conscious way of functioning since tools of language are express partnership. The main tool of the language of non-violent communication is the elimination of using moral justice which is the language of power. Instead of power language NVC experience the individual, describes objective and subjective genuine experience (Rosenberg, 1999/2003a/2015).

When we start to learn non-violent communication, it is become obvious that in everyday life we use tones of inconsiderate panel sentences, idioms which we inherited from previous generations and use thoughtlessly, badly interpreted phrases. The best example for this is the usage of the word of feeling. In the everyday life, people use feeling word instead of thinking. In non-violent communication discrimination of feelings and thoughts plays a central role. For this reason, during NVC learning process it is the first to studying the difference between feelings and thoughts and the meaningful usage of them Borbáth, 2020.

Later it has become obvious, that non-violent communication is a perfect translation of the language of practice the psychology of empathy and needs, the Rogerian person-centred approach, and gordonian communication theories (Rogers, 1963/1995).

## **What Is Non-Violent, Compassionate Communication?**

The model of non-violent communication is a pure, coherent and the same time creative translation into practice all those theories which give the basement of its existence.

Establishing theories are the philosophical foundation of non-violence movements, direction of of humanistic psychology trends, theories of empathy and needs adapted by Rosenberg and also the effective communication theory of Thomas Gordon.

The expression of non-violent communication means a communication form based on non-violence which is proven effective in the international diplomacy, political struggles, school, or business situations which is a technique that needs ability for empathy in verbal level as well, and also means a philosophical like non-violence attitude towards life.

Marshall Rosenberg American clinical psychologist has created the method of non-violent or compassionate communication (shortly NVC) based upon the client-centred trend of humanistic psychology which aims that people learn to communicate with each other with more compassionate and clearness, with less misunderstandings (Rosenberg, 2003a).

A study about current psychotherapies refers on NVC as an important communicational approach, which helps to avoid dehumanization of persons or groups who are in conflicts. (Kottler, Montgomery, 2010). In the same time non-violent communication stepped out the circle of psychotherapies, its broadened usage become obvious during applying at diplomatically (Rosenberg 2003, Rosenberg, 2005), furthermore the NVC methods has proved its competence at the field of education also (Rosenberg and Sólyom, 2005).

The method amazingly simple communication technique. The essence of NVC has built on four steps. The point is that arriving a mutual understanding which is the love itself (Bagdy, 2012). For this reason, Jónai and Redő calls NVC as a new way of creating contacts (Jónai and Redő, 2012).

### **About the Four Steps of NVC Model**

The four steps of NVC serves the development/studying of self-knowledge and empathy, since its communication steps are dissociated steps which are expressions of the individual's objective state, emotions, connected needs and requests. Also, all of them serve raising awareness, exploration and exact expression of the inner emotions in the actual presence.

Rosenberg's four steps technique supply for all of these functions which has been taught by range of books and training courses teaches (Rosenberg 1999/2003/2015, Rosenberg 2005). Since it is possible that Rosenberg has knowledge studies on mirror neurons and empathy and he amalgamated with genuinely these knowledge and non-verbal communication messages for detection of emotions.

Upon all these he gave a psychologically grounded, complex method to understand other people emotional and cognitive state with whom we are in interaction.

Since he operates the four steps of NVC referred to another person also. In this way four steps as the guesses of the state of other person can understand as concrete practising of empathy for throughout of 4 steps we scale the objective situation, feelings, needs. To add of these, we ask for reflection while we create a clear communication. Applying these steps, we exercise of the distinction between the self and other, the raising awareness according to physical sense, emotions and changing points of view also.

Further review of the philosophical and psychological foundation of compassionate communication and make an effort to find answers to the questions where is the roots of this special method of NVC.

## **Rosenberg's Educational Philosophical Statements**

Rosenberg has drawn on broad educational philosophical circle for funding his theory. Ivan Illich's (1971) revolutionary thoughts on education emerges from these theories, and the effect of John Holt (1969). Illich and Holt questioned the foundational role of school itself in the real educational process. Instead of it Illich (1971) emphasised the school's role in the inheriting of power, Holt (Holt, 1969, Dickerson, 2019) described personality distorting role of schools.

They argued the importance of roles of freedom and self-expression instead of deforming effects of schools, and they put emphasis on authenticity in people and in children's life. They got to radical conclusions and suggestions in the field of education. Illich proposed deschooling as an authentic way of education, Holt suggested unschooling/homeschooling systems. / We won't go into details about these theories/

Rosenberg(2003b) has started his theory from their recognitions but offers different way of solutions. He thought that implementation NVC into the school system will eliminate students' vulnerability for the power system. He has strong confidence that 'say yes for life' like method of NVC in schools will be an agent which changes schools into an enriching pedagogical place: where education will be based upon sincere, authentic, partnership connections.

Rosenberg has thought that education is an important platform for students to get to know each other and learn a language of a way when people have a role in enriching each other well-being, which is not a formal authority-based system. In his writings the life presents as a system which enriches each other life and well-being as an alternative of a system of power which is based on the judging, scaring, shaming (Rosenberg, 2003b, Rosenberg, 2005).

We can state, that Rosenberg's word concept create system, in which we can find the language of peace, the theories of humanistic psychology, philosophy and pedagogy trendlines and even mechanism of jurisdiction, which all for them has marked a kind of social change way of thinking.

The humanistic understanding of peace is community (inner school) justice, which means democratic, community-based methods for understanding, resolving conflicts and arranging connections. In practice the restorative conflict solving serves restorative attitude. Hopkins (2002) and others wrote about the restorative practice implementing in schools also (Hopkins, 2002, AA Payne, K Welch, 2015)

In the opposite there is centuries long tradition of the retributive which thinks in categories like rewarded penalty. In this way is legalising violence. (Szabóné Bánfalvi és Hunyadi, 2012).

## **Rosenberg's Concept on Violence and Non-Violence**

During his life Rosenberg take role as an activist of non-violent Social Change (Losurdo, 2015).

As such he gained reference points and theory frames from the work of Gandhi and Martin Luther King who stepped forward from this platform since he accepted and built in his work M. L. King's definition about non-violence as not just an external, behavioural, but an inner, thoughtful, theoretical, cognitive attitude of acceptance toward other people even in the case of our enemies (Azgın, B. 2018). Rosenberg refers in his works about his NVC based activity of peace negotiation, mediation between perpetrators and their victims, ethnical groups being conflicts. Important element of his peacemaker job is his fundamental philosophical statement about people originally are good by nature, they enjoy being compassionate with each other. This is his philosophical ground: the concept of the good by nature instead of the bad by nature inspired by the thought of Homer Lane, American psychotherapist, educational philosopher, reformer (Lane, 1949/ APA 2016/), whose thought about the freedom of education and about democratically education made a strong effect on Neill, who founded the well-known

Summerhill school (Appleton, 1992), and on Holt too. It is highly possible, that his thought played a mediational effect on Rosenberg's theory also.

That is way Rosenberg sees aggression just as a communicational tool. In essence he assumes in his theory - proceeded from humanistic theoretical psychology and philosophy - which is the basic of NVC model also - that the aims of all the human communication is expressing the needs of the individual included aggression also (Rosenberg, 1999/2003a/2015). For this reason, he thinks realisable or even desirable the mutual contribution of each other well-being, because he started from the point that all the communication acts have got a same role: expressing needs, and proceed from this point it is possible to understand the real, authentical meaning of people tries to express. As we assume, that all individual is a separate entity, a separate world, then for understanding, first we should get to know each other. For the mutual understanding we review the psychological groundings of the mutual language, the compassionate communication.

### **Model of NVC and Its Connection to Humanistic Psychology**

Psychological researchers described yet, that the human race has got some basic emotions, and its expressions on a non-verbal way as the same all the people. In other worlds, everywhere in the world the same face expression means the joy, the sadness, the fear, the surprise, and the disgust, and anger also (Ekman, 1992). One of the bases of NVC is the implied recognizability of feelings from which comes from the universal nature of emotions.

Non-violent communication leans on the theory of humanistic psychology and we can say humanistic philosophy also. Firstly, the Rogerian client centred, partner - oriented client - counsellor relationship is its foundation during the process of mutuality and partnership.

The essence of the Rogers's client centred approach is in the role of the helper the 'facilitator' will not solve the problem of the client, won't establish diagnosis, won't think instead of the client, as in the more argued patient-therapeutant hierarchical relationships it happend, but the facilitator escorts the client with unconditional positive regard, gives space, total acceptance for them (Rogers, 1961/2003). Rogers seemed empathy as the centre role of client centred adjustment, since he assumed insured by, that the supporting person can take apart his/her own feelings, and attitudes, and by that non-therapeutic-centred approach while using emphatical, unconditional positive regard-client-centred therapeutic conversation will be created, where the client can live that he or she get real support. (Rogers, 2003).

Similarly, Thomas Gordon's communication technique for parents and for teachers has built upon the practice of humanistic therapy and NVC has got its foundation of the elements of Gordon's technique. NVC uses I-language, the separation of given situation and the problem, and expression of the problem, and its differentiation the feelings connected to the problem, and the situation and also the naming of the emotions which features, all are connected to Gordon's technique (Gordon, 1975/1990) The 'communication-blockers', or communication barriers -are in basic skills of the experts who use supporting conversations- are connected to the Gordon's method and NVC also emphases avoiding of these communication- blockers (Gordon, 1974/2003, Rosenberg, 2003).

In these days even clients' ability for empathy and mentalization is an essential point at therapies. The client-or-person centred therapy uses reflexions for teaching and developing clients' empathy (Kovács-Rózsa 2015 cited Kovács D 2017), and we can think at this point directly the cognitive, teaching aspects of NVC dealing with grabbing and expressing feelings and needs.

Knowing that Rosenberg steps forward in another level of perfection of supporting mutual understanding and authenticity as he connected third and fourth steps to the communicational process. The third step he connects expression of needs following the expression of feeling

what we already see at Gordon's model also. And as the four step he gives exactly verbalized request, which is prepared by the previous three steps in the communication process. The request -in his model- can serve as an appealing for reflexion or as a petition for action.

### **Development of the Concepts of Needs**

Rosenberg as genuinely summarizes and utilizes the main current psychological theories of his era has passed Maslow pyramid theory as thought about motivation and leaned more on Ryan and Deci's Self-determination theory which says that for a healthy and well-balanced human development, we must have three basic psychological needs to be satisfied in the same time: autonomy, competence, and being connected (Deci and Ryan, 2000). In the theory of Deci and Ryan started from that we can live up for our autonomy demands, if we can act freely, we can experience our competence in our deeds and being in loving and supporting connections based on mutual respect. This trio creates the main intrinsic motivation forces of our behaviour.

The elements of the concept tool of needs created by Rosenberg are able to connected to these main categories, which are autonomy, connection and competence, and also, he keeps the elements of other needs of the Maslow pyramids model.

Naturally the extrinsic motivations mean motivating force also such as material goods, reaching a desirable status quo. Indeed, research studies found that optimal life can be created by the self-determinate behaviour and existence based on this (Ryan, Deci 2000).

Rosenberg has not built in extrinsic motivations in his NVC model as basic needs. Extrinsic motivations do not fit in his model which directed to positive and healthy relations, even to consider the academical facts, that the prioritization of extrinsic motivations correlated more occurrence of depression or anxiety. Meanwhile the stronger presence of intrinsic motivation correlates with markers of well-being (happiness, satisfaction) and mental health (Kasser, Ryan, 1996).

### **Relation Between Feelings and Needs in the NVC Model.**

Relation between feelings and needs is an emphasised and novel approached part of theory of NVC. Rosenberg takes the basic emotions explained by psychological studies (Ekman, 1992) as a foundation for his theory and starts for there he describes a broad scale of feeling with different intensity and with multi combination, and assumes that each of our feelings is connected to a need of us. He presumes that like the universality of emotions there are the same phenomena of needs. So, he describes in detail the needs which are also universal in his theory. All the theoretical elements combined with the communication technique and transformed into practice gives the essence of NVC model (Rosenberg,2003a/2015). Since Rosenberg supposes - based upon Maslow and Ryan and Deci models - that every person has got a universal, and linguistically also well framed needs sets. So, he is entitled to assume that the language of needs is learnable.

He presumes that basic human needs are knowable and we are able to call them their right names. Rosenberg even goes further, and assumes that our communication would be much more clear and obvious if we call the right names of our needs. If we clearly and exactly could express our recent mental states then the other person could know it and the possibilities of misunderstandings would be diminished. And as a conclusion the number of conflicts would be less between groups (even family or society groups) and individuals also.

## **What Is the Difference between Empathy and Sympathy?**

To communicate with NVC needs total acceptance, deep understanding, unconditional positive regard in short it demands empathy. We can say it is easy task for me. But in the everyday life people hardly can separate the empathic regard from sympathy. We are not in the real emphatic unconditional positive regard state when we keep our own inner content as rogers describes the process (Rogers, 1957, APA 2016)

In this position we more feel sympathy put is short we identify, feeling sameness, with the other person's state, when we think we find in our inner world or in our memories the same feelings, thoughts situations in us what we attribute to the same like the other person's. When we feel inundate with desire to share our thoughts, feelings and memories what the expression of other people triggered in us, and help with counselling, leading, helping and sharing than we sympathize. It can be also a big support, but it is not empathy (Buda Béla ,2006).

Firstly, before we give a definition on empathy, we should separate it from sympathy. Originally by Adam Smith sympathy has got a definition as a vicariate emotion, which we can borrow from another person who is in a strongly emotional state.

Sometimes sympathy being used as the same concept as empathic concern, but NVC uses empathy more like with Davis (1996) set of concepts. Davis (1996) thinks that sympathy is a grade in the process of developing empathy, and analyses it as parallel affective reaction, keeping the original meaning.

Similarly, like Bela Buda (2006), who while differ from empathy from sympathy puts emphasis on that sympathy is a borrowed, emotionally more loaded felling, then in empathy there is a graduate cognitive elaboration process and this process is reducing the emotional loading (Buda, 2006)

## **Developing and Differentiating the Concept of Empathy**

In the psychology history the concept of empathy comes from Lipps who called it "Einfühlung", which means feeling, experience (Wispé, 1986). Freud enriched the concept of empathy while using the 'freely floating attention' (Langan, 2009) description on empathy grabbing the essence of it, and which meaning Rogers used also (Buda, 2006).

Rogers defines empathy such a process while we are located into another person emotional world and experiences with a freely floating attention, and doing so our own feelings and experiences are disclosure while we are conscious of the 'as if' experience (Rogers, 1975).

In the decade from 1990 the neurological sensation was the explanation of the mirror-neurons, which has given a huge energy for research on empathy since operating mirror-neurons can conclude that a preface of emphatical ability, as a neurological basis of empathy so far as during mirror-neurons operation we can feel motorial leaded empathy. Since researchers have found that while we precepting other people feeling through mirror-neurons works we feels the same way by them (Rizolatti and colleagues, 1966) automatically by physical level, but this feelings of us stayed without reflection.

After this period lots of empathy definitions emerge, among them spread out the concept of 'emotional contagion') which is can occur in group situations and described as a vicariate emotion which is not reflected not and raised into consciousness. LeBlanc P. M., Bakker A. B., Peeters M. C. W., van Heesch N. C. A., & Schaufeli W. B. 2001, which can lead us back to the concept of sympathy. Another empathy concepts put emphasis on the vicariate experience ability through the role of fantasy and others underline the cognitive aspects, the separating process between the self and the other person.

## Multi-Dimensional Empathy Theories

Knowing the history of empathy, it is not coincidence that recently the complex, including affective and cognitive aspects of empathy as well, the multi-dimensional theories are the ones which rule the huge literature of empathy.

Firstly, Davis writes the concept of empathy as a multi-dimensional construct and dispositional ability which has got emotional, cognitive and behavioural features which is triggered by precepting other people.

Concentrating the interpersonal aspects of empathy Davis (1983) and Staub (1987) thinks that the effect of another person emotional state in the observing individual may appear similar/parallel emotional reaction. In the same time, they put a distinction from reactive empathy which is triggered in the observing / receiver / person emotional concern which differs from parallel emotional reaction (Miller, Birkholt, Scott, & Stage, 1995). While in the prior case the receiver takes over the feeling of the other person in the ulterior case it happens a deeper cognitive process of the emotion of the other people and it triggers a concerning reaction.

In even more complex meaning of the empathy concept is given by Hoffmann (1984) who describes empathy in four developmental grades. The first one is an undifferentiated, global empathy/emotional contagion, the second one the egocentric level of empathy. In this level has shown up the emphatical distress, while in this level the vicariate feeling of another person is a hardly eliminate experience.

The third level according to Hoffman, when we are able to feel empathy towards to another person/similarly to sympathy. The more differentiated level of elimination of another person emotion has shown up at the fourth level which comes together with cognitive process, ability of shifting point of view, when we can feel empathy connected to the other person whole life situation. As I understand the cognitive process is the strongest at the fourth (Hoffman, 2000).

We should mention Eisenberg (2002), who also writes multi-dimensional empathy concept, using separated cognitive and emotional elements. New element in this conception the emphasis on the emotional regulation in forming the emphatical reaction.

Eisenberg and Eggum (2011) connect neurological background to the concept of empathy. In their apprehension the neurological background of the emphatical distress is ruled by the arousal system. In other words when another person suffering triggers a high arousal reaction and our emotional regulation system is not strong enough to bear it, then in this situation our aim will be to decrease our high emotional reactions, and for this reason we will avoid the person who suffers. Since in this state we concentrate on us, easing of our anxiety level and not on the other person, in the opposite of the state of emotional concern. Therefore, if the emotional regulation is succeeded, then after observing other person's suffering the arousal will stay an optimal level and in this case our reaction will be the emotional concern but if the regulation won't succeed, then the appearing emotion will be the distress.

Although Davis originally composed that this phenomena is an vice component of empathy, recently researches propose that deal with emphatical distress as a separate construct, which is clearly makes distinction between emphatical distress and compassion.

### Emotional Labour Modell: Two Types of Emotional regulation Strategy

The emotional Labour Model describes Two Types of Emotional regulation Strategy are observed in the interaction of professional clients. One of them is the 'Deep Acting' Strategy, which is a thorough acting strategy, while inner, internalized emotional organization happens connected to feelings and authentic expressions of expected feelings.

In the opposite, a "Surface acting" Strategy is restricted to the emotions fitting to the role without real inner experience the feelings which are expressed in the surface.

According to the researchers the danger of the Surface Acting is the occurrence of the emphatical distress as an emotion due to the non-sufficient emotional regulation and it can cause

more stress in the individual. According to this process the individual can feel the opposite feeling as the desirable (Grandey, 2000; Hülshager & Schewe, 2011 cited Wacker and Dziobek, 2016).

As a consequence, the model of emotional fatigue of clinical empathy concerns the inner regulation of empathic distress as a critical element of health workers' deep acting and as a mediating factor in the workplace burnout which is the final state of the clinical/pathological/empathy (Wacker and Dziobek, 2016).

### **Rosenberg's Understanding on Empathy**

Rosenberg in his concept makes a distinction between giving empathy-emphatical listening and receiving empathy-self-expression such acts we gain in mutual communication situation receiving other person via practicing NVC.

Rosenberg definition on empathy can be assumed as an integrative construct, since it combines previous concepts, even it is not working with the concept of emphatical distress, and says empathy can be described as a process (Rosenberg, 2003a/2015, Kalliopuska, 1992) while our emotional a cognitive attention and understanding is directed to another person, his/her behaviour, words while consciously disconnect his/her emotional, cognitive, motivating, physiological a kinaesthetically experiences our similar, parallely emerging, even complex experiences (Rosenberg, 2005, Rosenberg, 2015)

In Rosenberg's theory this is way we can obtain real understanding of another person world of experiences. In this process, the information, that we can percept via our sensitivity about another individual will be organized via cognitive operation, and the pure comprehension can be reflected to the person for using it to build his/her self-knowledge.

In Rosenberg's understanding empathy is not autotelic use, but empathy aims support, as a kind of art. In NVC communicational model Rosenberg gives lists for recognizing feelings and needs. He separates feeling into two different states when we live up for negative and positive states and connected emotions. A new element in his theory that he assumes that each need of us is connected to a feeling, and the satisfaction or the absence of these needs cause positive or negative emotional states (Rosenberg, 2005, Rosenberg, 2015).

Therefore, in his concept he connects another cognitive element to empathy, because next to the recognition to emotions the recognition of needs plays an essential part of emphatical process.

Reviewing the development of the concept of empathy can be seen that we get to the understanding during the complicated process of empathy. Applying non-violent communication methods and vocabulary helps to perfecting and making clearer our empathic understanding in many ways: such as shifting point of view, separating feelings and cognition, empathy and sympathy, raising awareness of the non-verbal physical emotions, and to put it simply: teaching empathy (Rosenberg, 2005, Rosenberg, 2015).

Evidence-based Examinations on the Effects of the Knowledge of Non-violent Communication

Although Rosenberg's extensive works extended to several areas and he brings numeral examples and case studies which all are serving information of the effectiveness of the theory and technique of NVC in the area of conflict solving and mediation the academic studies and examinations were missing until the last decade.

Recently, some studies presented on examinations with different methods which are attempt to refer on effectiveness of NVC.

Wacker R., & Dziobek I. (2016) leded research at the Berliner Humbolt university to prevent emphatical distress and social stressors in the case of healthcare professionals using NVC training. The results of the research have shown that although the empathy as a trait



strengthening was not proven, even so it can be state according to the survey that NVC training course have been a strengthening effect in the emotional and interpersonal skills and played a preventing part the negative effect of emotional distress and social stressors.

Other studies are referred on the effectiveness of the practical and theoretical knowledge of NVC according to development of interpersonal skills and human connections. Such a study talks about the training leaded in circle of prisoners and on paroled people which served developing empathy, compassionate towards our own self, and communicational skills (Marlow et al., 2012; Suarez, Lee, Rowe, Gomez, Murowchick, Linn, 2014 cited Wacker R., & Dziobek I. (2016).

In other works, are examined the value of NVC among university students via online coaching and mentoring sessions (Cox & Dannahy, 2005, Nosek 2012 Wacker, R., & Dziobek, I. 2016).

## Summary

As a summarization it can be stated that nonviolent communication has got and well-grounded scientific psychological background.

The grasp the concepts of empathy and needs as the theoretical basement of the NVC method makes implementable the concepts into according scientific theories of psychology and the methodology features sufficient theoretical grounding even scoops from psychodrama tools and cognitive behaviour settling as we wrote about it elsewhere in details. Meanwhile the growing numbered of evidence-based examinations referred on the effectiveness of NVC training according to interpersonal, communicational and emotional skills also. The intention of the philosophical background of NVC serves as the acts of social peace, renewing of education, and citation the still progressive spirit of the alternative school movements.

Based all of these facts we can conclude that Rosenberg's NVC model and method stands on strong psychological grounding and such as it is worth for utilize possible further educational a applied psychological usage and research more on effectiveness.

## REFERENCES

- [1] Appleton M. 1992 School as Community: The Ecology of Childhood-A View from Summerhill School. in: Journal of Alternative Education, documentum resume
- [2] Azgin B. (2018). A Review on "Non-Violent Communication: A Language of Life" by Marshall B. Rosenberg. Journal of History Culture and Art Research, 7(2), 759-762. doi: <http://dx.doi.org/10.7596/taksad.v7i2.155>
- [3] Bagdy E., (2012): Előszó. in: Jónai Éva Hava-Redő Júlia (2012): Útikalauz - Bevezető az együttműködő, erőszakmentes kommunikációba, Np. EMK Akadémia
- [4] Borbáth K. (2020): Az erőszakmentes kommunikáció lehetőségei az intézményes nevelés- oktatásban in: Óvodai Nevelés Szakmai-módszertani Folyóirat (0133-1477): 73 7 pp 26-28
- [5] Buda B. (2006). Empátia. A beleélés lélektana. Budapest: Urbis
- [6] Gordon, T. (1975/1990): PET Learning Parent Effectiveness/ Szülői Eredményesség Tréning/ SZET Ford: F. Várkonyi Zsuzsa, Gondolat, Budapest.
- [7] Gordon T. (1974/2003): Teacher effectiveness training, Tree Rivers Press
- [8] Davis M. H. (1996). Empathy: A social psychological approach. Boulder: Westview Press.
- [9] Dickerson A. (2019): John Holt: The Philosophy of Unschooling. Springer
- [10] Eisenberg N. (2002). Distinctions among various modes of empathy related reactions: A matter of importance to human relations. Behavioral and Brain Sciences, 25, 33-34.
- [11] Eisenberg N., és Eggum, N. D. (2011). Empathic Responding: Sympathy and Personal Distress. In J. Decety W. Ickes (Eds.) The Social Neuroscience of Empathy (pp. 71-84). Cambridge, Massachusetts: The MIT Press.
- [12] Ekman P. (1992): An argument for basic emotions. Cognition & Emotion, 6, 169-75, 192-200.

- [13] Hoffman M. L. (1984/2000). Interaction of affect and cognition in empathy. In C. E. Izard, J. Kagan, & R. Zajonc (Eds.), *Emotions, cognitions and behavior* (pp. 103-131). New York, NY: Cambridge University Press.
- [14] Hoffman M. L. (2000). *Empathy and moral development: Implications for caring and justice*. Cambridge: University Press.
- [15] Holt J. (1969): *The Underachieving School*. Delta Book.
- [16] Hopkins B 2002: *Restorative justice in schools*.in: *Support for Learning - Wiley Online Library* Volume17, Issue3 Pages 144-149
- [17] Illich, I. (1971): *Deschooling Society*. Ritualization of Progress New York, Harper & Row Publishers Inc., 1971., 34-51.o
- [18] Jónai É. H.-Redő J. (2012): *Útikalauz - Bevezető az együttműködő, erőszakmentes kommunikációba*, Np. EMK Akadémia
- [19] Kalliopuska M., (1992): *Holistic Empathy Education among Preschool and School Children*. Conference Paper presented at the International Scientific Conference on Comenius' Heritage and the Education of Man (Prague, Czechoslovakia, March 23-27, 1992).
- [20] Kovács D(2017): *Az empátia és érzelem felismerés mérési lehetőségei - Tapasztalatok egy új multimodális érzelmefelismerő skálával, a Genova Emotion Recognition Scale (GERT)-el*. *Psychologia Hungarica Caroliensis*, 5 (1). pp. 1-18.
- [21] Kasser T. and Ryan R.M (1996): *Further Examining the American Dream: Differential Correlates of Intrinsic and Extrinsic Goals in: Personality and Social Psychology Bulletin* Volume 22, Issue 3
- [22] Kottler JA, Montgomery MJ (2010): *Theories of Counseling and Therapy: An Experiential Approach*, Sage Publications, USA
- [23] Langan R. (2009): *On free-floating attention Psychoanalytic Dialogues* Pages 819-839 | Published online
- [24] Lane, H, (1949/2016): *Talks to parents and teachers: insight into the problems of childhood*. APA.org
- [25] <https://psycnet.apa.org/record/1950-04523-000> retrieved 06.02.2023.
- [26] LeBlanc P. M., Bakker A. B., Peeters M. C. W., van Heesch N. C. A., & Schaufeli, W. B. (2001). Emotional job demands among oncology care providers. *Anxiety Stress & Coping*, 14, 243-263.
- [27] Miller, Birkholt, Scott, & Stage, 1995 *Empathy and Burnout in Human Service Work: An Extension of a Communication Model* Volume 22, Issue 2
- [28] Rogers C. R. (1957). The necessary and sufficient conditions of therapeutic personality change. *Journal of Consulting Psychology*, 21(2), 95–103. APA 2016 <https://psycnet.apa.org/record/1959-00842-001> retrieved: 06.02.2023
- [29] Losurdo D. (2015). *Nonviolence: A History beyond the Myth*. Lanham: Lexington Books
- [30] Nosek M., Gifford E., Kober B. (2014): *Nonviolent Communication (NVC) training increases empathy in baccalaureate nursing students: A mixed method study*. *Journal of Nursing Education and Practice*, 4, 10 1-15
- [31] Payne AA., Welch K., 2015: *Restorative justice in schools: The influence of race on restorative discipline in: Youth & Society*, Volume 47, Issue 4 pp. 539–564
- [32] Rizzolatti G., Fadiga L., Gallese V., Fogassi L. (1996). Premotor cortex and the recognition of motor actions. *Cognitive Brain Research*, 3(2), 131-41
- [33] Rogers C.R. (1963): *On Becoming a Person. A therapist's view of psychotherapy*. London: Constable.
- [34] Rogers C.R. (1995): *On Becoming a Person. A therapist's view of psychotherapy*. HarperOne kiadó
- [35] Rosenberg B. M., (1993): *Nonviolent Communication: A Language of Life*. Second Edition. PuddleDancer Press (163 old)
- [36] Rosenberg B. M., (2003a): *Nonviolent Communication: A Language of Life*. Second Edition. PuddleDancer Press (224 old)
- [37] Rosenberg B.M. (2003b): *Life-Enriching Education: NVC Helps Schools Improve Performance, Reduce Conflict and Enhance Relationships*. CA: PuddleDancer
- [38] Rosenberg B. M. (2005): *Speak Peace in a World of Conflict: What You Say Next Will Change Your World*. Encinitas, CA: PuddleDancer Press.
- [39] Rosenberg B.M., - Sólyom I. (2005): *Így is lehet nevelni és tanítani - Erőszakmentes kommunikáció az iskolában és otthon*. Agykontroll kiadó.
- [40] Rosenberg B. M., (2015): *Nonviolent Communication: A Language of Life*. Third Edition. PuddleDancer Press. (264 old.)
- [41] Rust S. (2014): *Erőszakmentes kommunikáció- Amikor a zsiráf a sakállal táncol*, Budapest, Bioenergetic Kiadó
- [42] Ryan R. M.; Deci, E. L. (2000). "Self-determination theory and the facilitation of intrinsic motivation, social development, and well-being". *American Psychologist*. 55: 68–78.
- [43] Staub E. (1987). Commentary on part I. In N. Eisenberg & J. Strayer (Eds.), *Empathy and its development* (pp. 103-115). Cambridge: Cambridge University Press

- [44] Swartz R. (1982): John Dewey and Homer Lane: The “Odd Couple” Among Educational Theorists in: *The Journal of Educational Thought (JET) / Revue de la Pensée Éducative*. Vol. 16, No. 3 (December), pp. 181-190 (10 pages) Published By: Werklund School of Education, University of Calgary
- [45] Wacker R., Dziobek I.: Preventing Empathic Distress and Social Stressors at Work Through Nonviolent Communication Training: A Field Study with Health Professionals *Journal of Occupational Health Psychology*, Online First Publication, December 15, 2016.
- [46] Wispé L. (1986). The distinction between sympathy and empathy: To call forth a concept, a word is needed. *Journal of Personality and Social Psychology*, 50(2), 314-321.

# Assertive Communication in the Workplace

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## Abstract

This study highlights the importance of assertive communication in the workplace and provides examples to achieve assertive messages. If you're a doctor, you need to understand the concept of assertive communication. Being assertive involves mastering communication skills, controlling non-verbal behavior, but the intention to express our needs, our rights while protecting the needs of the feelings and rights of others. Assertive communication, the specialist's abilities to explain, listen and empathize can have a profound effect on the patient's compliance with treatment and health, as well as his satisfaction in the care experience. Moreover, communication between members of the medical team influences the quality of employment relationships and has a profound impact on patient safety. The purpose of this study is to know the principles of assertive communication and learn how to build assertive messages, in order to be effective in what we do.

*Keywords: assertive communication, assertive messages, the DESC acronym, healthcare*

## Introduction

The efficient workplace communication gains increased importance in the success or failure of an organization, regardless of the specifics of the conducted activities. According to others (Gay, Mahoney & Graves, 2005), organizational communication takes on the role of the most important driving force of business performance. [1]

If you're a doctor, you need to understand the concept of assertive communication. It is imperative that you understand this concept if you are going to be effective in the role. Here's why communicating assertively can be beneficial for everyone in the organization. Assertive communication is the most effective form of communication, it is direct and honest communication, based on the ability to express thoughts and emotions, so that both our needs and desires and those of the interlocutor are met.

Internationally, assertiveness communication training programmes have been introduced to improve healthcare professionals' communication skills. Omura, Levett Jones and Stone [2] conducted a study on 123 nursing students to understand and reflect on the importance of assertive communication in health. The results of the study indicate that participants in the intervention group who attended the assertiveness communication workshop had higher assertiveness scores than those in the control group. These results reinforce the need for ongoing assertiveness training in Japanese undergraduate nursing programmes, as well as further research to determine the effectiveness of such interventions.

Assertive behavior demonstrates respect for self and others, promotes self-disclosure, self-control and positive appreciation of self-worth. Assertiveness is the most effective way of solving interpersonal problems. Direct communication, openness and honesty allow you to receive messages without distortion, which maintains relations with others. Assertiveness refers to the firm communication, in an unambiguous manner and tone and accompanied by firm non-verbal language (without being aggressive) of our needs and rights. In this sense, the ability to

be assertive is a “consciously applied” one and is not a simple reaction to the situation. Assertiveness denotes the ability to communicate our needs, our rights while respecting the rights and needs of others.

Assertive communication is the ability to speak and interact in a manner that considers and respects the rights and opinions of others while also standing up for your own rights, needs and personal boundaries. [3]

Assertive communication is based on the consideration of both parties needs and recognizes that we have the right to set our own priorities for our action and time allocation. To communicate assertively means to be skilled in a variety of strategies for expressing thoughts and feelings in a way that simultaneously protects your rights and those of others; to have a positive attitude about communicating directly and honestly; to feel comfortable and in control of anxiety, tenseness, shyness, or fear; to feel confident that you can conduct yourself in a self-respecting way while still respecting others and to honor the fact that you and the other person both have rights. An assertive person appears self-confident. It maintains eye contact and speaks clearly, concisely, speaks genuinely, without sarcasm, takes the initiative to guide situations and gives the same message both verbally and nonverbally [4].

## Method

The main characteristics of assertive communication are: achieving mutual respect, active listening and self-awareness. **Achieving mutual respect** means “Communication is about both getting and giving”. When you assertiveness in the workplace, you are actually asserting your position as well as your opinion. By doing so, you are not only displaying your willingness to communicate, but also your willingness to take responsibility for your actions and responses. Communicating assertively with others can also show your willingness to accept the feedback they provide and how they choose to communicate it. This willingness to take responsibility and the clear direction in which you communicate it, builds mutual respect within your team and in the overall organization. **Active listening** is the concept of passive-aggressive interaction is where you listen without responding. This is an honest way of being able to hear what someone is saying without either defending yourself or making it seem like you don’t care or aren’t interested. It can also be considered an honest way of trying to better understand another person’s feelings and motivations without trying to defend yourself. While it may feel natural to react in a certain way based on your natural instincts and personality styles, truly listening to the other person without trying to defend yourself will clear up any misunderstandings and resolve them in a positive way. **Self-awareness** is another important part of communicating assertively in the workplace is learning to recognize your own emotions and how they affect your behavior. Being able to stop yourself before you get heated and taking control of the situation are essential skills that will allow you to effectively communicate your feelings. Taking control of your emotions will allow you to be more assertive in the workplace.

The behavioral component of assertiveness includes a series of non-verbal elements such as: **1. Eye contact:** an assertive person will look their interlocutor in the eye. You want to maintain eye contact throughout the interaction and exchange information. When you maintain eye contact, it’s easier for people on both sides to see the gestures and tone of your voice, as well as the expressions on your face. Lack of eye contact can send unwanted messages, such as: “I’m not sure what to say” or “I am very afraid”; **2. Tone of voice:** even the most assertive message will lose its significance if it is expressed with a hushed voice (this will give the impression of uncertainty) or too hard, which could activate depressive behavior on the interlocutor; **3. Stance:** assertive posture of a person varies from situation to situation. However, it is estimated that in most cases, the subject must stand right: not too stiff, because it expresses a state of tension, not too relaxed, because others could interpret such a position as disrespectful.

**4. Facial expressions:** for the message to be assertive naturally, mimicry must be appropriate and congruent with the message content. Otherwise, for example, if someone smiles when he says that something bothers him, the party offers ambiguous information, which alters the meaning of communication. **5. Timing the message:** the most effective assertive message loses meaning when taken in the wrong time. Thus, for example, no boss will respond favorably to a request for wage increase, no matter how well made is that made, if an employee approaches you when preparing to appear before a committee of the company's control. **6. Content:** even if all other conditions are met, the message does not achieve its purpose if it is too aggressive, with the intention of blaming the other or, conversely, expressed in a very shy and passive way. The content of an assertive message should be narrowly, descriptive and direct [3, p. 651].

There are several principles that underlie the development of assertive communication:

1. Be direct!
2. Motivate your statement, but without justifying yourself – do not excuse yourself!
3. Express your personal opinions specifically and clearly - avoid general formulations
4. Accept and give compliments
5. Ask for feedback - to prevent errors of interpretation
6. Change the discussion or avoid the person when you cannot communicate assertively.
7. Refer to the inappropriate behavior of a person with a positive remark
8. Focus on the behavior and not on the person, when you want to make a remark
9. Highlight the negative consequences of each other's behavior on you
10. Specify the desired behavior, offer alternatives to the behavior you want to change
11. Analyze the costs and benefits of behavior
12. Say NO when a personal right or value is violated

Learning to use assertive communication in the workplace will allow you to build a supportive environment for yourself and others. You will also have increased your personal workplace confidence, which will increase the quality of work you produce. This will leave you better equipped to deal with any negative circumstances that do come up in the workplace.

A framework for developing assertive responses is known as the DESC acronym [4]. Although not all steps are used in every situation it is a useful tool:

**D**escribe situation

**E**xpress what you think and feel

**S**pecify your request

**C**onsequences

How we make up an assertive message?

An assertive message must contain the following elements:

- We **describe the behavior** that affects our activity (it is described without blaming someone): “When you do not take your treatment...”

- We **express our feelings** caused by that behavior: “I grieve...”

- We describe **the consequences of behavior**: “because complications could arise...”

- **We offer alternatives**: “I would be glad if you were able to take greater care than last week”

How do we build the assertive message

- When..... describe **the behavior**.

- I feel ..... describe **the feeling**.

- Because ..... describe **the consequences**.

- I would love to ..... **offer alternatives**.

Example: 1. When you don't get to the appointment without letting me know, I get stressed out because I might not fit in the time left until the next client. I'd love for you to arrive on time, telling me if you don't arrive so you can organize me. 2. I am worried that you do not take care of yourself and the disease will get worse. I would be glad if you followed the directions. Assertive communication is not only important when the patient sends you information regarding the state of health, or related to the treatment performed, but also when they are dissatisfied or want to lodge a complaint, both the patients or their caregivers. It is never easy, nor pleasant to be the person who receives the complaint, especially if the patient is angry, nervous, or sometimes even abusive.

There are three important things to keep in mind account in this situation: 1. You must not take the complaint personally; 2. If the interlocutor is upset, it is important to be in control of the situation, to control yourself and do not let yourself be trained in discussion and try to solve the problem and make sure that the mistake will not be repeated. 3. The complaint helps you understand and know what is important for patients/clients, but also for caregivers or family [5].

## Conclusion

Communication is particularly important in the medical domain. Patients when they come to the doctor are emotionally vulnerable, feel alone and, most of the time, unaware of what they can do. That is why it is very important besides professional medical services to offer them attention, empathy, confidence that they will be helped and their needs are very important for us and we will do everything we can for his well-being. In all this process of accommodation is essential good communication, because it contributes to ensure, in a safe and efficient manner, the medical care that patients need both through the provision of quality services, but also through carrying out appropriate procedures. Communication (not just communication in healthcare) is the focus of everything we undertake in our society, regardless of the services we have we provide or the field in which we operate [5].

Traditionally, assertiveness training aimed to improve healthcare professionals' well-being, job satisfaction, self-esteem and workplace relationships (Engin & Cam, 2006; Meng & Sullivan, 2011; Shimizu, Kubota, Mishima, & Nagata, 2004). However, assertive communication training has also been recognized as a critical strategy for addressing escalating concerns about the significant number of errors in health care (Clinical Education & Training Institute, 2011; Thomas et al., 2007). Internationally, assertiveness communication training programmes have been introduced to improve healthcare professionals' communication skills [2].

This research emphasizes the importance of communication training programs and especially in assertive communication in the medical field, but also in general in the professional field.

## REFERENCES

- [1] Mitrofan N., Bulborea A. (2013) The role of organizational communication in structuring interpersonal relationships, *Procedia - Social and Behavioral Sciences* 76 (2013), pp. 511 – 515 <https://www.sciencedirect.com/science/article/pii/S1877042813006988>
- [2] Omura M., Levett-Jones T., Stone T.E. (2019) Evaluating the impact of an assertiveness communication training programme for Japanese nursing students: A quasi-experimental study, *Nursing Open*. 2019 (6), pp.463–472. <https://onlinelibrary.wiley.com/doi/full/10.1002/nop2.228>
- [3] Pipaş M.D., Jaradat M. (2010) Assertive communication skills, *Annales Universitatis Apulensis Series Oeconomica*, 12(2), pp. 649- 656, [https://www.researchgate.net/profile/Maria-Pipas/publication/227367804\\_Assertive\\_Communication\\_Skills/links/00b7d525cdeba0099a000000/Assertive-Communication-Skills.pdf](https://www.researchgate.net/profile/Maria-Pipas/publication/227367804_Assertive_Communication_Skills/links/00b7d525cdeba0099a000000/Assertive-Communication-Skills.pdf)

- [4] Balzer Riley, J. (2017) *Communication in Nursing*, Eighth edition, Elsevier, Missouri [https://books.google.ro/books?hl=ro&lr=&id=SwndCwAAQBAJ&oi=fnd&pg=PP1&dq=assertive+communication+in+nursing&ots=Y\\_sr36towD&sig=K3ghJw2dwvyJY\\_PB7qfL07PrcEA&redir\\_esc=y#v=onepage&q=assertive%20communication%20in%20nursing&f=false](https://books.google.ro/books?hl=ro&lr=&id=SwndCwAAQBAJ&oi=fnd&pg=PP1&dq=assertive+communication+in+nursing&ots=Y_sr36towD&sig=K3ghJw2dwvyJY_PB7qfL07PrcEA&redir_esc=y#v=onepage&q=assertive%20communication%20in%20nursing&f=false)
- [5] Vâlceanu C. (2016) *Comunicarea în asistența medicală*, Roumanian Journal of Pharmaceutical Practice, Vol. 9, Nr. 1 (30), 2016, pp. 11-16, [https://farma.com.ro/articles/2016.1/PF\\_Nr-1\\_2016\\_Art-3.pdf](https://farma.com.ro/articles/2016.1/PF_Nr-1_2016_Art-3.pdf)



# Psychological Considerations Regarding Psychodiagnosis and Intervention in Teenage Substance Abuse. A Case Study

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## **Abstract**

The study proposes a discussion on the evaluation of psychological aspects such as depression, rage, anxiety or confusion between contrasting emotional states as well as problems related to the structure of identity in the research carried out using the design performed by projective tests Rorschach and T.A.T. in the case of adolescent consumers of illicit substances, by exemplifying a case study.

*Keywords: depression, rage, anxiety, structure of identity, projective tests, Rorschach, Thematic Apperception Test*

## **Teenage Substance Dependence**

During adolescence, addiction is linked to issues of maturing. In the case of early affective deficits, the maturing process may end in failure. The somatic and psychological transformations a young individual goes through, strongly linked to environmental requirements, can translate into strong pressure. If they are superimposed on a background of internal vulnerability associated with certain dysfunctions in the family environment or with specific cultural and social moulding conditions, they may lead to an overload of the defensive system and adaptive capacity.

Evolving towards maturity involves forming a stable identity, which includes sexual identity and which precedes separation from the family environment. Separation presupposes a traumatic risk which can be generated by the anxiety of losing parental support, associated with culpability related to the desire for separation.

At this stage of development, some teenagers are not prepared to separate and thus resort to certain morbid preoccupations, developing addictive or suicidal behaviours. Those who cannot bear evolutionary constraints resort to acting impulsively in this manner, skirting around the process of mentalisation. [1]

In such a context, substance use may appear as a solution. The drug creates an artificial distance between the self and the environment, which confirms dependence on parents, an ambivalent unaware object dependence. Resorting to substance use represents a transfer of the subject from the external world to the internal one. However, this is nothing but an avoidance of reality, which does not allow evolution since it only creates addiction. Addicted adolescents associated drug use with the influence of their peers, thus denying their connection to their infantile histories, their sexuality and development.

Most studies recognise the variety of the diagnostic clinical aspects which accompany psychopathological organisation in the case of addictions. Psychotherapeutic strategies will also vary depending on the type of organisation. Psychotherapeutic intervention will first of all allow the identification of the role which the substance plays in the subject's life, within the framework of his or her unresolved conflicts. During the transference which takes place in psychotherapy, significant life events experienced by the subject can be reconstituted. From a

therapeutic point of view, a certain rigour is necessary with regard to the discrimination of the conflictual aspects which belong to reality from those belonging to one's imaginary life.

## **Projective Psychodiagnosis**

Psychological studies carried out on young addicts using projective tests have tried to clarify certain aspects such as the addicted teenager's psychological structure, the compensatory function of the phantasm and the existence or non-existence of a symbolic phantasmic elaboration, as well as the importance of psychogenesis and personality structure, relationship with the parental imagoes (to what extent do they seem perturbed in this category of patients) [2].

## **Case Study**

*Personal history:* Ana, aged 17, has been consuming cannabis and hashish for two years. She has had several suicide attempts, exhibits suicidal behaviour. She frequents groups of consumers. Her academic results are very poor. During the summer holiday she worked in a bar in order to obtain money. She has an organised family and a brother who is three years younger. Both parents are employed and have a modest socio-economic status.

*Psychiatric diagnosis:* severe depressive disorder; behavioural disorder; elements of borderline personality structure; lack of compliance to treatment.

*Reason for psychological examination:* upon the request of the psychiatry specialist, in order to complete a psychological profile to the end of medical rehabilitation also by psychotherapeutic treatment.

*Appearance and behaviour:* the young lady has a pleasant physical appearance and a coherent discourse. She describes in detail the circumstances in which she started using drugs, as well as the times when she wanted to break ties with the other users in her entourage. She has a seductive attitude during the interview and is interested to cooperate in the psychological examination.

## **Projective Psychodiagnosis with the Rorschach Test and the Thematic Apperception Test (T.A.T.). Rorschach Analyse:**

### 1. Perceptive activity and adaptive capacity [3]

The subject elaborates ten form responses (F) of the total of eleven responses to the ten test cards. By their content, these responses indicate the subject's capacity to maintain contact with reality by delimitating internal and external. This control behaviour is marked by the dependence versus fusionality relationship.

Example:

Card 1: "Two angels who are trying to hug."

Card 3: "Two baby sparrows sharing their food. They are sitting close to each other so that they won't be separated."

Social adaptation is affected in the sense of decreased investment in relationships with others, by elaborating a single human response, with no sexual identity and seen in a position in which it avoids any form of contact, as seen by the response to Card 6: "A very tall person hidden in the dark".

### 2. Affectivity and personality type [3]

It is marked by unstable devices which oscillate between oral regression, as seen in Card 3 ("Two baby sparrows sharing their food.") and genital libidinal relationship, as seen at Card 1 ("Two angels who are trying to hug."). Affect is characterised in several responses by

aggression leading to object destruction, such as in the case of Card 6 (“*A bat which cannot fly. Its wings are broken*”). Affects sometimes massively invade the scenarios elaborated by the subject, decreasing control, as can be seen at Card 2 (“*A sky. A war with red spots is coming down*”) or at Card 1 (“*Fight and storm*”).

Phantasmatic activity is marked by projective mechanisms which operate the alternance between hyper-adaptation and hyper-projection, as is the case of Card 9 (“*Nature, trees, little birds, many happy animals. All is beautiful*”), Card 10 (“*Many flowers around, a road like a bridge is ahead*”) as well as Card 2, response 2 (“*Fight and storm*”), and Card 5 (“*A bat which cannot fly. Its wings are broken*”).

Self-esteem, assessed by movement-responses or kinaesthesia (K), is characterised by passivity and/or funionality, as seen in the case of Card 7 (“*Some stones which lead to a road*”), Card 1 (“*Two angels trying to hug*”) or Card 3 (“*...they are sitting close together so that they won't be separated*”). These indicators are associated with borderline type personality [4]. In the Rorschach test, borderline personality is expressed by low self-esteem assessed by passive movement-responses (K) or representations of fusional relationships or by oscillation between overvalued and destroyed representations.

### 3. Relationship with the parental figures [3]

Cards 2, 7 and 9 are considered as representing the maternal imago. The subject's responses, related to the latent content of these cards, outline scenarios which alternate between aggression and miming passivity, as can be seen in Card 2 (“*A sky. A war with red spots is coming down*”), Card 7 (“*Some stones leading to a road. A labyrinth*”) and Card 9 (“*Nature, trees, little birds, many happy animals*”). Card 4, the paternal card, receives a response which cancels the existence of a strong, virile paternal imago: “*Some clouds*”. The subject's sensory reactivity reflects the way in which she relates to her parental figures and the relationships seem rather passive-aggressive.

### 4. The structure of identity and means to relate [3]

Within her responses, the subjects maintain control between the internal and the external by elaborating coherent, global and at times very original contents, but her capacity to represent oneself in relation to the other is reduced, as shown by the presence of a single human response, for Card 6 (“*A very tall person hidden in the dark*”). Even this single human response has a depressive undertone. The other relationships have a passive, fusional nature, as seen in the case of Card 1 (“*Two angels trying to hug*”) and Card 3 (“*Two baby sparrows sharing their food. They are sitting close together so that they won't be separated*”). These are responses which show **an identity disorder without dissociation, associated to the subject's insufficient commitment to sexual identity**, by the lack of gender differentiation in the case of cards whose latent content requires it (Card 2 and Card 3).

### 5. Pulsional expressiveness, type of angst and defence mechanisms [3]

Object loss angst is reflected in the way the subject relates to the maternal and paternal imago (the parental figures). In this protocol, the subject alternates between aggression and feelings of void and abandonment, as seen in the case of Card 2 (“*A war with red spots is coming down*”) and Card 4 (“*Some clouds*”). **Object loss angst has depressive connotations and is associated with an insufficient (immature) structuring of self-identity, which does not allow distancing oneself from the object and thus maturing.** One might even note the presence of separation anxiety in Card 1 (“*Two angels trying to hug*”) and Card 3 (“*Two baby sparrows, sharing their food. They are sitting close to each other so that they won't be separated.*”).

**Defence mechanisms** are represented by unstable, orally regressive devices, as seen in Card 3 (“*Two baby sparrows sharing their food*”), the erotisation of the libidinal relationship, as is the case of Card 1 (“*Two angels trying to hug*”), infantile devices marked by sensoriality, as in Card 8 (“*A colourful frog*”), acute sensitivity to colours and excitability which contrasts starkly

with the depressive and aggressive note of the previous answers (Card 9 – “*Little birds, many happy animals. Everything is very beautiful*”). Dysphoric affects are to be noted.

### **Psychological Synthesis of the Thematic Apperception Test (T.A.T.)**

The stories created by the subject in this structured test are characterised by organised but restrictive scenarios which emphasise description, representations which keep affects at a distance. Affects related to guilt and abandonment can be predominantly identified. In the case of Card 13GF, the subject says “*A girl who suffers had been in a fight. She needs time to cover up all her shortcomings*”. At Card 13B, the subject responds: “*A boy who doesn’t have much but is expecting something good, some home*”. The mother-daughter relationship is marked by sibling rivalry, as seen from Card 7GF: “*A mother is watching her daughter look after her brother, but the older sister is not happy about it*”.

The test protocol indicates a series of elements characteristic of **narcissistic tendencies in the structure of personality** - needs have been identified in the field of success and self-actualisation, as seen from Card 1 (“*A boy sees the art of music, by the way he looks he is going to love it*”) and Card 13GF (“*...time to cover all her shortcomings*”).

From a formal point of view, the stories are built in a restrictive manner, with no specific ending. A series of aspects pertaining to the oral dependence index (OD) can be identified. For instance, Card 13GF elicits the response “*A girl who suffers has been through a fight. She needs time to cover all her shortcomings*” (sadness, abandonment), while Card 13B elicits “*A boy who doesn’t have much but is expecting something good*” (magical belief), while Card 7GF is interpreted as “*A mother is watching her daughter look after her little brother. The older sister is not too happy about it*” (the presence of the maternal figure, passive dependence, aggression).

### **Devices Used in the T.A.T Protocol**

Conflict avoidance (Series C), over-investing external reality (Series CF); Inhibition (CI), avoiding depression (CM).

Defence mechanisms: repression, denial, projection. For instance, Card 12BG (“*There is a field, a boat, a little river, trees in bloom*”) shows repression and an anti-depressive behaviour, while Card 13GF (“*A girl who suffers has been through a fight... to cover her shortcomings*”) shows projection. [4]

### **Psychological Synthesis of the Rorschach Test and the Thematic Apperception Test (T.A.T)**

The projective psychological examination carried out via the two test protocols underlines the structuring of borderline psychological function, with narcissistic and dependant elements. **The dependence index in the Rorschach test** was identified by the following characteristics [5]: low self-esteem (reduced human content), more passive movements than active ones, oral regression, prosaic responses. **The dependence index identified in the TAT test** has been discerned from the cards cited above: 13B, 13GF, 7GF. [5]

**The psychotherapeutic approach** will take into account the mobilising factors and those which maintain resistance. [6]

Mobilising factors: passive/magic desire for wish fulfilment which involve the need for support; the link between depressive behaviour (masked) and the presence of guilt, which leads to contrasting solutions: either impulsive, primary, or sublimated, hyper-valuing. The desire for communication appears explicitly in a scenario built for Card 10 of the Rorschach test (“*Many*”).

*flowers, ahead is a road like a bridge*”). The presence of a good level of intelligence and imagination, expressed by a proportion of 98% global responses and 100% form responses (F), of which 54% of a positive form. The subject’s capacity for maintaining the limit between interior and exterior in perception building.

Resistance factors: mistrust in others, interpersonal relationships built on dependence or aggression.

## Conclusions

In the case of teenage and young adult addicts, clinical studies emphasise a series of pathologies which subscribe to narcissistic personality structures, including the following functioning elements: phantasmatic and imaginative scarcity, concrete thinking, the absence of pulsion and conflict mentalisation. From a psychodynamic perspective one might note narcissistic fragility, the precariousness of oedipal mechanisms, orality, regressive defence mechanisms (projection, splitting, impulsive acts, the difficulty of elaborating loss and separation) [8].

## REFERENCES

- [1] Kemiri A. C., Derivois D. (2011), *L’Adiction a l’adolescence. Entre affect et cognition. Symbolisation, inhibition cognitive et alexithymie. Drogue et sante*. Vol.10, nr.2,15-37
- [2] Christian M. (2002), *L’Identification projective dans la toxicomanie, Evolution psychiatrique*, 67(2), 326-336
- [3] Richelle J. & Al., (2012), *Manuel du test de RORSCHACH*, Bruxelles, de Boeck
- [4] Chabert C., (1998), *Psychanalyse et methodes projectives*, Paris, DUNOD
- [5] Schentoub & Al., (1990), *Manuel d’utilisation du T.A.T. (Approche psychanalytique)*, Paris, DUNOD
- [6] Castro D. (2014), *Manifestations de la dependance dans les contenus des reponses Rorschach et T.A.T., Etudes & pratiques en psychologie*, Vol.2, Nr.3, 32-51
- [7] Castro D. (2016), *Pratique de l’examen psychologique en clinique adulte*, 3-e edition actualisee, Paris, DUNOD
- [8] Zimmermann G., Salamin V. & Reickert M., (2008), *L’alexithimie aujourd’hui, essai d’actualisation avec des conceptions contemporaines des emotions et de la personnalite*, Psychologie francaise, 53, 115-128

# Education of “Key Competences” in the University Environment for Twenty-First Century Students

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## **Abstract**

The present article summarizes critical findings concerning employers’ most wanted “*key competencies*”, required from their employees in the XXI century. An overall perspective over the concept evolution and recent findings are offered in a brief synthesis. The most important employability skills considered here are critical thinking and innovative skills, interpersonal and intrapersonal abilities, problem-solving and decision-making abilities, teamwork skills, digital and media literacy competencies. Implications for educational practices in Higher Education are discussed.

*Keywords: employability skills, transversal competencies, higher education, employers’ preferences*

## **Introduction: Present Work Challenges**

The XXI century brings with it an important challenge in the academic environment: that of correlating the academic and professional skills specific to a field with the increasing demands of the labor market. These requirements lead to significant changes in what professional skills mean in a chosen field. Work involves effort, dedication and joy, oriented towards a higher purpose than immediate gratifications of a material or symbolic type: salary, goods or social recognition.

The current man is not content “to have his own life happen” to him. He wants to create in truth, to ascend to the dignity for which he was created, and to innovate for himself, for others and for generations to come. To this call can answer only *the free man*, who has learned to rise above things and the ephemerality of the world, freedom ensured only in Spirit and Truth, as promised by the Savior Jesus Christ: “*Know the truth and the truth will make you free*” (*Heb. John, 8:33*).

In the performance of his mission as a man, the technical skills specific to a profession are insufficient, incomplete and dehumanizing. Technocrat man is a grotesque production of industrialization, automation and robotization, an unsuccessful dystopia of sick minds from the nefarious past of history.

The twenty-first century challenges us all alike, teachers and students, employees and employers, to a reconsideration of *authentically Christian* values deeply rooted in each of us. If, from the perspective of the Gospel and the Holy Tradition of the Church, the human ideal is the *saint*, it seems obvious that any living Christian must follow this ideal, including in the professional field in which he operates. Therefore, it cannot be separated from deeply human values and attitudes in the workplace, values that are also transposed into European norms on ensuring the quality of the educational act at every level.

Education in the XXI century - which has at its core the pupil, the student, the human person with its rich potential - comes to support the noblest aspirations of every human being towards con-work with Christ in order to sanctify life and the world in which he lives. The confessor

*acts*. These actions are seen in competences that transgress professional occupations: critical thinking, the ability to solve problems, superior written and oral communication skills, or digital skills. These competences have been generically called as “*employability skills*”, which indicates that they are much sought after by contemporary employers, in their aspiration for professionalism and innovation.

### “Key-Competences” or Employability Skills

Employability skills have been defined by UNESCO (2016) as transversal skills, namely: “*Skills that can be found and can be relevant or necessary in most workplaces, including a wide range of work areas or areas of life in general. For example, people's skills such as communication skills, organizational skills, motivating or leading a team, technical skills related to software, skills related to keeping records or researching in good conditions, etc.*” (Care and Luo, 2016).

The main categories of transversal skills that UNESCO proposes include critical and innovative thinking, interpersonal skills, intrapersonal skills, global citizenship and media and computer science education. A summary of the relevant aspects of these competences is presented in Figure no. 1.

**Table 1.** UNESCO Framework for Transversal Skills (Care & Luo, 2016)

Areas	Examples of key skills and competences
<i>Critical and innovative thinking</i>	Creativity, entrepreneurship, availability, applied thinking, reflective thinking, rational decision-making capacity
<i>Interpersonal skills</i>	Communication, organizational, <i>teamwork</i> , collaboration, sociability, collegiality, empathy, compassion skills.
<i>Intrapersonal skills</i>	Self-discipline, ability to learn independently, flexibility and adaptability, self-awareness, perseverance, self-motivation, compassion, integrity, risk-taking, self-esteem.
<i>Global citizenship</i>	Conscience, tolerance, openness, responsibility, respect for diversity, ethical understanding, intercultural understanding, ability to resolve conflicts, democratic participation, respect for the environment, <i>national identity</i> , sense of belonging.
<i>Media literacy and information management</i>	Ability to search and access information through ICT, media, libraries and archives, to express and communicate ideas through ICT, to use media and ICT to participate in democratic processes, the ability to analyze and evaluate media content.

To the extent that the academic environment ensures the development of these competences, the student achieves *the optimal career readiness*, or the demonstration of pre-requisite skills that generally prepare university graduates for a *successful transition* to the labor market. According to recent studies (NACE, 2018), there are eight of these competences:

a) *Critical thinking/Problem solving*: the ability to reason and solve complex problems, to take decisions and overcome bravely any obstacles encountered. The graduate/new employee must be able to obtain, interpret and use knowledge, data and information in the process and to demonstrate originality and inventiveness.

b) *Oral/written communication*: the ability to articulate ideas and thoughts in written or oral form to people inside and outside the employing organization. The graduate demonstrates: good competencies to speak-up his/her own voice in public; the ability to express his/her's own ideas to other people; can write addresses, emails and complex technical reports clearly and effectively.

c) *Teamwork/Collaboration*: the ability to build and maintain collaborative relationships with colleagues and clients from different cultural backgrounds, races, ages, sexes, religions, lifestyles and points of view. The graduate/employee is able to work in a certain team structure, to negotiate and manage the conflicts that have arisen.

d) *Digital technology*: the ability to use digital technology ethically and efficiently to solve problems, complete tasks and achieve certain goals. The person demonstrates successful adaptability to new or developing technologies.

e) *Leadership*: the ability to identify and develop *the strengths of others* to achieve common goals; the person uses his interpersonal skills to *support and help the personal development* of team members. The graduate/employee is able to identify and manage their own emotions and those of others; uses his empathic abilities to guide and motivate; organizes, prioritizes and knows how to delegate work when needed.

f) *Professionalism/Work ethic*: the employee demonstrates responsibility and effective and substantial work behaviors. For example: punctuality, productive work together with the team, optimal management of the labor load; understands the impact of non-verbal communication on the professional image. The employee/graduate demonstrates ethical behavior and integrity, acts responsibly in the interest of the community and is able to learn from his/her own mistakes.

g) *Career management*: the ability to identify and express one's own skills, strengths, knowledge and experiences revealed for the desired professional position and career goals; can identify the areas that require *professional development*. The employee is able to explore *career options*, understands and takes the necessary steps to benefit from the opportunities in the labor market.

h) *Global/Intercultural Vision*: Value, respect and *learn from different cultures*, races, ages and religions. The employee/graduate demonstrates openness, sensitivity and the ability to *respectfully interact with* all people and understand individual differences.

### “Most Wanted” or What Employers Want

Current studies on prospecting employers' preferences (NACE, 2018) have noted that the share of these skills is not equal; employers prefer first of all, on a scale from 1 to 5: people with critical thinking / problem solving skills (4.62), with teamwork capacity (4.56), professionalism / work ethic (4.46) and oral and written communication skills (4.30). Of average importance are leadership skills (3.82), digital technology (3.73), career management (3.46) and cross-cultural/global vision (3.01). These data are presented synthetically in Fig. No. 2.

**Table 2.** Skills preferred by employers in order of choice

Critical thinking/problem solving	4.62
Teamwork/Collaboration	4.56
Professionalism/Work Ethic	4.46
Oral/Written Communication	4.30
Leadership	3.82
Digital technology	3.73
Career management	3.46
Inter-cultural/Global vision	3.01

\*Source: *Job Outlook -National Association of Colleges and Employers. (NACE, 2018). Likert scale with 5 points, where: 1-not essential, 2-not very essential, 3-somewhat essential, 4-essential, 5-most essential*



According to other studies (Suartha, 2017), employability skills, also in number of eight, include: 1) communication skills, 2) teamwork skills, 3) problem solving skills, 4) entrepreneurial skills; 5) planning and organizing skills; 6) self-adjusting skills; 7) learning skills; 8) Technology skills/digital skills. To these are added a series of attributes or personal qualities that do not require skills but are reflected in *the way of being*, working or positioning a person towards professional problems.

Employers prefer employees who show loyalty, honesty, integrity, personal responsibility, self-confidence, sense of humor, a balanced lifestyle with regard to work-personal life, the ability to work under pressure, motivation and adaptability.

In a synthesis study on the skills most demanded by employers in the labor market (Suartha, 2017) on a sample of 230 people, which included both the perspective of employers and employees or education providers, it was found that *three are the basic skills* required in most situations: communication skills; decision-making skills and complex problem-solving skills; teamwork.

### **Education of Transversal Competences in Academia**

These skills can be developed in the academic environment through *complex tasks* of oral presentation or writing of scientific projects, reports, essays, the realization of individual portfolios and *joint projects* in which students are invited to collaborate effectively *in work teams*. The formative feedback provided by the teacher can contribute to the superior development of the mentioned competences, increasing the chances of employability of the students.

Another effective way is to organise and participate students in *group meetings and debates with professionals* in their chosen field of specialisation, in *conferences and workshops*; these allow the development of personal, academic and professional skills required by the labour market, generically called employability or transversal skills.

The task of education at the university level is to develop knowledge, competences, attitudes and skills, to form people capable of learning reflexively and critically throughout life. The academic environment must provide a supportive context for learning and *delegate students' control over* the educational process and their post-educational life.

The introduction of transversal/employability skills in the education system requires a *radically different* perspective on how students are taught and how they learn. Assessment in higher education can facilitate this change of perspective or inhibit it. Teachers are challenged to find active learning approaches that are more appropriate to the development of competences and skills; the assessment must be focused not on memorized content but especially on *understanding and applying knowledge* in tasks of *solving problems similar to real life*. The use of technology and media content in the act of teaching becomes essential for digital natives - large consumers of educational multimedia content - such as *podcasts, video tutorials*, online conferences, books in audio format. Ignoring the particular way of processing information of the digital generation and perpetuating only traditional methods in university education can result in adverse consequences on the quality of the educational act, academic and professional motivation and success. Academic teachers are challenged to a fine calibration of online teaching and interaction methods that meet the needs of digital natives and the current job market.

## The Project “*Innovative Student Practice – UDC*” and the Development of Key Competences of Students

The project “*Innovative Student Practice – UDC*” comes to support such initiatives that support synchronous and asynchronous online education through innovative methods, such as *Simulated Enterprises, the E-Jobs and E-Learning Platform*, through the *Center for Innovative Development and Information* as a modern educational resource and the *Center for Career Counseling and Guidance*, as a bridge between academic life and the working environment of graduates.

The project activities support the real development of employability skills independent of the professional field, such as: teamwork, leadership, oral and written communication, scientific research and academic writing skills, digital skills and critical thinking. The student thus becomes an informed, informed and oriented consumer of science in the vast digital information ocean, able to solve problems specific to his professional field in a creative and innovative way.

Through this project, the modernization of the learning-teaching strategies within our university and the optimal preparation of students for integration on the labor market in the chosen or related fields were achieved. The transversal competences acquired allow students access to smart specialisation areas and provide a *generous framework for the development of entrepreneurship*. Students can be good employees but also empowered to recruit, *as entrepreneurs*, the best candidates for the positions offered within their own companies.

### Conclusions

The modern student *has high expectations* from the university environment. The educational offer must include *innovative* teaching and learning strategies based on the needs of the digital native and the increasingly complex demands of the labour market. The employability – or the student's ability to be prepared for the career offer is strengthened during the student years through a) modern methods of innovative practice – of the type of the aforementioned project; b) the permanent study of the requirements of employers in a field; c) continuous feedback from students engaged in the learning process. Along with professional skills, transversal skills or “*key competences*” *essentially* contribute to the formation of the person in becoming a man, as a good professional and a citizen of the world.

### REFERENCES

- [1] Care E., & Luo R. (2016). *Assessment of transversal competencies: Policy and practice in the Asia-Pacific region*. United Nations Education, Scientific and Cultural Organization.
- [2] NACE (2018) <https://www.nacweb.org/career-readiness/competencies/career-readiness-defined/>
- [3] Suarta I. M., Suwintana I. K., Sudhana I. F. P., & Hariyanti N. K. D. (2017). Employability skills required by the 21st century workplace: A literature review of labor market demand. In *International Conference on Technology and Vocational Teachers (ICTVT 2017)*. Atlantis Press

# **Emotional Quotient - A Key in Achieving Academic and Professional Career Excellence. A Systematic Literature Review.**

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## **Abstract**

In the last few decades, the concept of Emotional Quotient (EQ) has received more considerable attention than Intelligence Quotient (IQ).

Therefore, employers are increasingly looking for more people with emotional intelligence. EQ allows us to be more creative and use our emotions to resolve our problems. The EQ is the ability to perceive, express and assimilate emotion in thought, understanding the prism of emotions and adjust ourselves and others emotions.

The present study is based on systematic literature review with the aim to assess importance of EQ in achieving academic and professional excellence in life. The search span was from year 2012 to 2022. A total of 68 research articles were included and screened at this stage.

*Keywords: Emotional quotient, Success, Achievement*

## **Introduction**

Emotional intelligence (EQ) allows us to be more creative and use our emotions to resolve our problems. Emotional intelligence is the ability to perceive and express, assimilate emotion in thought, understanding the prism of emotions and adjust ourselves and others emotions. Unlike IQ, which suffers insignificant modifications once the end of adolescence, emotional intelligence can be developed over time, free of age limit.

EQ can change and improve during time, giving a person a better chance of achieving success in life. Emotional intelligence makes individual flexible in their operations so that they will accept the changes with open minded. Handling work frustrations is what makes an individual go high on the success ladder.

## **Methods**

For this systematic search, we developed a search strategy to identify relevant literature. This search strategy was tailored to three databases: Google Scholar, Science Direct and Research Gate

The search terms used were the following: “EQ academic and professional career excellence”. All searches spanned from database inception until 2012, and included journal articles, review papers, and meta-analyses published in English only. The selection criteria were based on Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) statement.

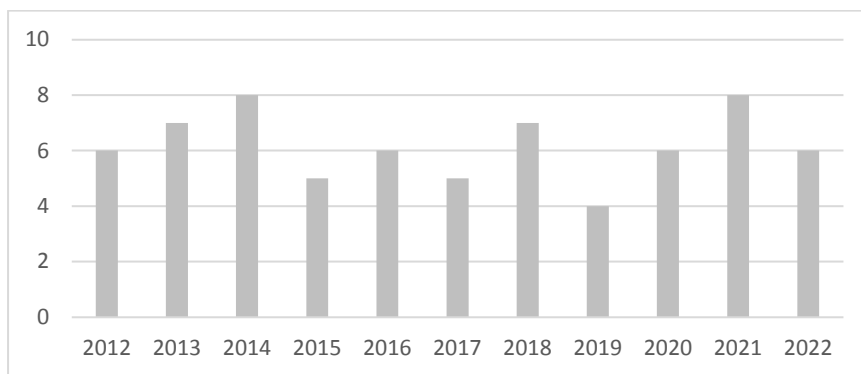
## Results

According to Goleman, IQ accounts for only about 20% of a person's success in life and he had focused on importance of Emotional Intelligence in the achieving professional excellence in the life. EQ is the best predictor of performance in the workplace and the strongest driver of leadership that gives guarantees success to an individual.

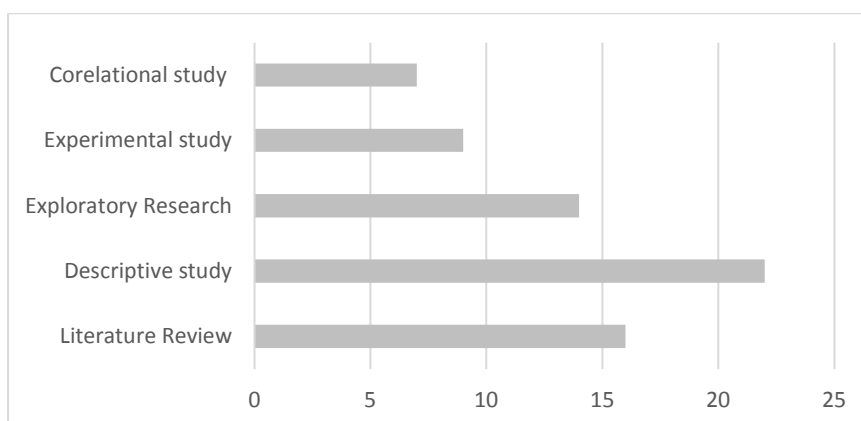
A study published by myself and two other colleagues (Stanciu C., Bulborea A.A.) back in 2012, has revealed that EQ cannot function isolated, contrary they are in an interdependence relation with IQ. Our study data reveals that there is a positive correlation ( $r=0.271$ ,  $p<0.05$ ) between IQ and sub component of EQ (Empathy). Individual with higher IQ & EQ level have a greater academic performance.

Our finding is very similar with Marwaha study finding. She was found that the academic success of students is inevitably related to both their EQ and IQ. However, she was also found that EQ have greater probability of success, because those students who had higher IQ, but less EQ scored less in academics than those having high EQ but lower IQ.

It's meaning our study data shows that EQ is the most important factor and play a major role in the academic and professional career excellence.



**Fig. 1.** Publishing year of the selected articles.



**Fig. 2.** Types of research design of the selected articles.

## Conclusions

The results of the study demonstrated that EQ components cannot function isolated, contrary they are in a interdependence relation. Humans must be consciousness enough of themselves to identify what really push them to reach success in some situations. Also, they must be capable to control their emotional energies to use the maxim level of their capacity, especially in stress conditions.

Individuals must be sensitive at what motivates others if they want to influence these persons behavior.

Understanding motivation goes to social abilities development, including the capacity of having a positive effect on others behavior, of being able to resolve conflicts, to live and work with humans.

Even though an individual has enough knowledge and brilliant ideas, if he is not managing to control his emotions and feelings, he can get difficulties in his trying to build human relations or a success career.

## REFERENCES

- [1] Davaeia M., Gunkela M., Veglio V. Taras V. (2022) The influence of cultural intelligence and emotional intelligence on conflict occurrence and performance in global virtual teams, *Journal of International Management*, Volume 28, Issue 4
- [2] Coetzer GH. (2016) Emotional versus cognitive intelligence: which is the better predictor of efficacy for working in teams? *Inst Behav Appl Manag.*5:116-33
- [3] Cotruș A, Stanciu C, Bulborea AA. EQ vs. IQ Which is most important in the success or failure of a student? *Procedia Soc Behav Sci.* 2012; 46:5211-3.
- [4] Deutsch J. (2021) *Surviving and Thriving: Understanding and Developing Your Emotional Intelligence*, Quest - official journal of the National Association for Kinesiology in Higher Education.
- [5] El Othman Radwan., El Othman Rola, Hallit R., Obeid S., Hallit S. (2020) Personality traits, emotional intelligence and decision-making styles in Lebanese universities medical students, *BMC Psychology* 8, 46.
- [6] Goleman D. (1998). *Working with emotional intelligence*, Random House Inc., New York
- [7] Goleman D. (1995) *Emotional intelligence*, Random House Inc., New York
- [8] Johrine C. (2019) *Predictors of emotional intelligence amongst university students*, University of Free State, Bleomfontein 9301, master degree dissertation
- [9] Manushi S., Shweta J. (2022) Emotional quotient vs. intelligence quotient to achieve professional excellence in life: a systematic literature review. *International Journal of Community Medicine and Public Health*, 9:4662-5.
- [10] Marwaha S. (2015) Analysis of emotional quotient and intelligence quotient among “high achievers” and “low performers” in school academics. *Int J Home Sci.*1(2):26-31.

# The Pshyco-Political Dimension of the “Bandwagoning” Concept, A Central Concept in International Relations Praxis

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## **Abstract**

The present article tries, in a profound and complex approach, to underline the real substance afferent to the major concept that is used in the practical dimension of international relations, respectively, the concept of “bandwagoning”. Otherwise, the paper aims to highlight this central concept from the political psychology perspective. In the first part of the article, the interest is focused around the principal acceptations and delimitations of the “bandwagoning” concept, while in the second part of the paper it aims to emphasize the psycho-political substrate of this pivotal mechanism that is used in the international dimension.

*Keywords: bandwagoning, psycho-political substrate, conceptual delimitations, international relations*

## **Preliminary Acceptions and Delimitations of the “Bandwagoning” Concept**

Undoubtedly, in specialized semantic usages but also in the scientific register specific to electoral politics, the concept of “bandwagoning” refers directly to the support given to a candidacy or political position, the motivation of this option being the fact that the said position or candidacy is already extremely popular [1]. However, both in the jargon and in the praxis of international relations, the concept of bandwagoning is nothing more than a strategy intended to help states that want to increase their security and prosperity to affiliate with those state structures that have a regional power or even one of global origin on the chessboard of international relations. A term coined and popularized by Kenneth Waltz in his 1979 work entitled “Theory of International Politics” [2], bandwagoning is prefigured in other ways, at the antipode and in obvious contradiction and dissonance with the notion of balancing, which signifies the way of enhancing national security by siding against the dominant actors on the international relations scene. Consequently, this antagonistic strategy is driven by the need for protection and threat prevention, even if this means a certain degree of insecurity vis-à-vis the protecting state entity and a certain sacrifice in terms of the level of independence and of its sovereignty. On the other hand, the theorist in the field Stephen Walt made a distinction between two major types of bandwagoning, namely the one of “offensive” origin and the other of “defensive” origin. In his understanding, “*offensive bandwagoning is a form of joining a dominant state, the goal being to share together the benefits of victory*” [3], while defensive bandwagoning “*represents a way of cohabitation but also of reconciliation through which a certain state joins with an aggressive entity in order to avoid being attacked*” [3].

However, in its most complex comprehension, appearing in a later work by international relations specialist Stephen Walt, the notion of bandwagoning entails “*an unequal ratio of forces in such a way that the state entity with features and attributes of vulnerability is obliged to make both asymmetrical concessions in favor of the dominant power and to accept an eminently secondary role. At the same time, this strategy also implies a form of approval likely to support and tolerate illegitimate actions on the part of the dominant ally, which in the*

*specialized jargon refers directly to the concept of capitulation, synonymous with the act of abandonment or surrender” [4].*

Synthetically, according to the bandwagoning strategy, in the system of international relations actors who do not have a certain status in the international arena affiliate themselves with the victorious state form, in order to share the benefits of the victory. Equally, they act this way because they are partisans of the belief that the dominant powers are, most of the time, the most popular entities on the stage of international relations.

On the other hand, Schweller analyzed how states that are not exposed to threats respond to opportunities in their security environment and found that bandwagoning is a common and specific form of behavior found especially among disgruntled states. He agreed with Walt's conclusion that states respond to threats by joining, but at the same time disapproved of Walt's assertion that states usually choose balancing over bandwagoning.

Consequently, and under such conditions, the answer to the question of whether balancing is more usual and common than bandwagoning, is one that can be confusing and dilemmatic. Basically, the spring behind the first strategy is fundamentally different from the behind-the-scenes dimension of the second, so that while bandwagoning is usually done in the hope of making gains, balancing has as its intrinsic philosophy the need for security and always involves costs [5].

### **The Concept of Bandwagoning in the Study and Practices of International Relations**

Definitively and undeniably, the dominant neorealist theory in the study of International Relations is based on the assumption and especially on the premise that weak states aim to ensure their own security. The best way to achieve security is through the aggregation of power and this can be achieved in the register of domestic politics, by building an army, and in the external score, by establishing alliances. *In his book “The tragedy of great power politics”, John Mearsheimer argues that “every state should aim to become a hegemonic power because only in this way can its own survival be guaranteed. Alliances are not important for states' own security, but help prevent other states from dominating them” [6].* So, in the world of alliances in international relations, the oldest and most persistent dichotomy is that between *balancing* versus *bandwagoning*, and in the view of neorealist thinking, bandwagoning is always seen as a rare phenomenon. In the book **“Theory of International Relations”** by Waltz, he claims that *“the first concern of states is not maximizing power but maintaining their position in the system” [7].* On the other hand, the founder of neorealism and an iconic theorist of the balance of power -Waltz, argues that some assumptions must be made about the theory itself. *“The first hypothesis is that the states are unitary actors, which in minimum conditions seek their own salvation, and in maximum conditions, act for universal domination. The second hypothesis starts from the premise that states are rational actors who will apply the logical methods available to them to achieve their goal, namely: prosperity and survival” [7].*

On the other hand, in the book entitled **“The Origins of Alliances”**, Walt does not disapprove of the importance of power, but at the same time recognizes the importance of other characteristics, such as: total power, geographical proximity, offensive power and aggressive intentions [8]. Of all these, the last one listed, namely the one related to aggressive intentions, is the most innovative and ingenious. However, the author also claims that *“if bandwagoning is the main tendency, naturally this causes an insecure structure because, the authority that strives to obtain power, can attract more countries to ally with it, and in this way the whole alliance becomes stronger than the groups of nations opposed to it” [8].* The same author, in his book, **“The Origins of Alliances”**, argues that bandwagoning is a much more competitive form of alliance, a fact for which the most aggressive nations are practically recognized for their

belligerence by the weaker countries. Moreover, when politicians notice that this concept is becoming more widely used, they are much more likely to use aggressive measures [8].

States choose bandwagoning because its dynamics guide the system towards change and at the same time it is a positive form of feedback. If we were to characterize from the point of view of the dynamics of the conflict, its behavior can increase the prospects of a more durable peace. One important thing to point out is that this method rarely involves costs and is usually done with the hope of winning.

Randall Schweller, however, disagrees with Walt's theory of the balance of power and claims that: “to determine whether balancing or bandwagoning is the dominant trend, Walt considers only cases involving a significant external threat” [3].

Today's hierarchical order places the United States of America as a dominant international structure to which secondary states tend to accommodate themselves. Moreover, Asian states do not seem to ally against a rising power such as China. This country as a power in propensity does not necessarily mean a global threat. We must not conclude that Asian states must follow the steps of European countries and fight against each other, a fact proven today by the reality that Asian states want to ally with China in order to increase their national profit. At the same time, South Korea and China have more and more economic and cultural ties, which does not mean that South Korea wants to abandon close ties with the US. The United States of America remains by far the most powerful and important country in the world, and all the states in East Asia are receiving more attention from this great power.

According to the realist theory in international relations, there is a disorder on the international stage, which means that we cannot talk about a primordial power in terms of states, which could offer them protection in case of aggression by a powerful international actor. Therefore, the most important goal of individual states is survival. For the same reason, namely the lack of protection, nations tend to maximize their national security.

“We are currently witnessing a strange phenomenon in Europe. This phenomenon seems to contradict existing basic theories about the survival of peoples. Germany, the European Union's strongest economy, appears to be bandwagoning with Russia when it comes to energy, while its eastern neighbor, Poland, struggles to balance Russia's energy hegemony. Instead, during the Cold War, local powers sought help from one superpower—occasionally even two—to deal with nearby instigators. Thus, North and South Korea, South and North Vietnam, Israel, Angola, Cuba, Pakistan, Ethiopia, Somalia and many others requested support from the United States or the Soviet Union to have the help they needed to resist the to a nearby threat, or in some cases to suppress an internal challenge)” [9]. These aspects made the United States an attractive and special ally for the middle powers of Europe and Asia: “It was strong enough to be a deterrent against the Soviet Union, but at the same time it was far enough away not to be a genuine and real danger” [9]. The assumption that states will join alliances to avoid being dominated by major powers underlies traditional balance of power theory. According to this hypothesis, states join alliances to protect themselves from states or alliances whose financial power could pose a threat. States have always been attracted to power on the stage of international relations. The more powerful a state is, the more likely it is that other states will ally with that actor. Even if one state's power is an important factor for others, it is not the only element that matters, with states aligning with or against the *most threatening power*.



## The Psycho-Political Substrate of the Concept of Bandwagoning - a Pivotal Concept in the International Action Environment –

Representing an axial concept in the practice of international relations, bandwagoning calls for a much more complex understanding, which must obviously be achieved through an analytical filter of a psychological nature. So, what is behind this strategy of affiliation with the most significant pole of power on the scene of international politics? Is this dominant direction of action one of rational origin and the behavior that underpins it is predictable?

Looking through the reading grid of political psychology, the science that aims to identify and explain the psychological registers that underlie political actions and behaviors, such an understanding is not real and truthful. Thus, according to the understanding tributary to political psychology, behind the bandwagoning strategy actually resides a constellation of elements related to the spectrum of personality traits, attitudes, and last but not least, the set of values and beliefs held by the responsible persons for such a strategy. In order to really identify what is in the backstage dimensions of the concept of bandwagoning, one can therefore bring into discussion, “apolitical and irrational factors such as conformity and servitude which originate in the fear of the citizen/political decision-maker/ to be in a social isolation but also their desire to be in the winning camp” [10]. Extrapolating this simple reasoning to the international scale, it can be very easily deduced that at the basis of the states' decision to opt for the bandwagoning strategy, this fear/desire dichotomy prevails, a dominant dichotomy among the actors who design the states' policies on the international level.

On the one hand, there are states where the political mainstream, out of fear of not remaining isolated, is deeply apathetic and obedient in relation to the dominant state entity, and on the other hand, there are states where political decision-makers who have extremely high self-esteem and confidence maximum in its own forces opts for this strategy out of the desire to make a common front with the victorious state party. It can thus be stated that the external balancing policy is nothing more than a micro-reflection of the inter-human policy and implicitly a pertinent redigraphy of the different perceptions that political actors have in relation to a certain decision or strategic initiative.

Consequently, it can be concluded that the bandwagoning strategy, a decisive strategy in the external action plan, is simply and perhaps a reflection of some sums of perceptions that prevail in the human plane vis-à-vis an important action.

## REFERENCES

- [1] Kurian George Thomas (2010). *The Encyclopedia of Political Science*, A Division of Sage, p.120;
- [2] Waltz Kenneth N (1979). *Theory of International Politics*, McGraw-Hill, p.120;
- [3] Schweller Randall (1994). “Bandwagoning for Profit: Bringing the Revisionist State Back In” In *International Security*, p.93;
- [4] Webster Merriam (1986). *Webster's Ninth New Collegiate Dictionary*, Springfield, p. 204;
- [5] Churchill Winston S (1961). *The Gathering Storm*, Bantam, pp. 186-187;
- [6] Mearsheimer John (2001). *The tragedy of great power politics*, Hardback, p.33;
- [7] Waltz Kenneth (1979). *Theory of International Relations*, Addison-Wesley Pub. Co., p. 126;
- [8] Walt Stephen M (1987). *The Origins of Alliances*, Cornell University Press, pp. 22-25;
- [9] <http://iosrjournals.org/iosr-jhss/papers/Vol19-issue3/Version-2/G019323541.pdf>. Accesat:11.11.2015;
- [10] Schmitt-Beck Rudiger (2015) “Bandwagon effect” In *The International Encyclopedia of Political Communication*, p.3.

## Inhibition Mechanisms

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### Abstract

The paper aims for a theoretical approach to inhibition mechanisms involving the control of cognitive contents or processes. These can be intentional and conscious or unintentional and inaccessible to conscious introspection, such as suppressing thoughts or intentionally controlling conscious contents or suppressing inappropriate contextual meanings of polysemantic words. Inhibition and interference have often been approached with the same meaning in the specialized literature but the cognitive inhibition construct is not synonymous with interference.

Inhibition refers to an active process of suppressing irrelevant information from the working memory. Interference refers to the susceptibility to decreased performance under conditions of multiple distracting stimuli, such as in the case of simultaneous tasks or selective attention.

*Keywords: inhibition mechanism, interference, negative priming*

### Introduction

Inhibition processes have been approached from multiple perspectives, referring to the control of interference as suppression following the concurrence of stimuli. Thus, it is about cognitive inhibition that represents the suppression of irrelevant information from the working memory, behavioral inhibition representing the suppression of predominant responses and oculomotor inhibition assuming the suppression of reflexive saccades.

This taxonomy is based on the suggestions of Harnishfeger [1], who proposed a three-dimensional classification of inhibition processes, the first being the one that includes both intentional and unintentional processes. Involuntary inhibition occurs before conscious processing, compared to voluntary inhibition that results when a stimulus is categorized as irrelevant as it is consciously suppressed. The second dimension refers to the level at which inhibition occurs, whether it occurs at behavioral or cognitive level.

Harnishfeger [1] also makes a distinction between inhibition and resistance to interference, arguing with Wilson [2] that inhibition is an active suppression process that operates on the contents of short-term memory, whereas resistance to interference is a mechanism that prevents entry of irrelevant information or distracting stimuli into short-term memory, however, recognizing that inhibition and resistance to interference might be controlled by similar neurological substrates. Cognitive inhibition, like the control of verbal-linguistic interference, occurs at an intermediate level once the information has reached the working memory. In terms of behavioral inhibition and motor interference control, they seem to correspond to a stage of output processing in which relevant responses are selected and incorrect ones are eliminated.[3]

The concept of inhibition and interference control has existed for over 100 years, having an important explanatory role in learning theories. MacLeod, Dodd, Sheard, Wilson and Bibi [4] defined cognitive inhibition as blocking a mental process, partially or completely, with or

without intention. He claims that inhibition mechanisms are reflected in the memory process and described three components of inhibition, showing that they influence the functioning of the working memory at the level of control of specific information that is recorded in the working memory, control of deleted (distorted) information from the working memory, and preventing the execution of answers that may be relevant but incorrect.

## **Interference**

Interference is a generic term that describes the disruptive effects of three sources of irrelevant information: simultaneous (similar) distractors, simultaneous irrelevant memories, and inappropriate situational responses. All three sources tend to slow down correct responses, reducing accuracy, with older people generally being more susceptible to such a phenomenon [5], [6]

The interference theory speaks of two types of interference, which are responsible for most cases of forgetfulness. It is the retroactive interference that assumes that the newly acquired information has negative effects on the previous information and the proactive interference that assumes that the previously acquired information has negative effects on the newly acquired information [7].

The need to process information as quickly as possible raises the issue of the phenomenon of interference defined by MacLeod et al. as being the influence of informational processing or informational storage by other information that is processed simultaneously or at a short interval of time from one another. Thus, the tendency to interfere can be considered a variable of the individual's personality that reveals his predisposition to distortion in information processing when other irrelevant information overlaps.[4]

The measurement of this predisposition for interference is done by the procedure proposed by Stroop [7], assuming responses to stimuli consisting of color names, these being written in colors inconsistent with the meaning of the word. In this situation, the reaction time and the number of errors will increase.

The hypothesis formulated by various authors regarding the relative speed of information processing starts from the idea that both the process of naming the color and that of reading the word occur simultaneously, amplifying the reaction time. Thus, the time required to read a word may be shorter when the "automation" effect due to practice takes place than the time required to identify and provide the answer. Regarding the mechanisms of the interference phenomenon, the delayed responses would be based on two mechanisms, the speed of processing respectively, the competition of two response possibilities. [8]

Through the limited processing capacity at the level of the response channel, the two processes compete with each other leading to inhibition, based on the increased speed of information processing, the priority of the wrong response being favored. Thus, the hypothesis that the interference phenomenon would be conditioned exclusively by the ability to process the distracting stimulus is refuted, highlighting the fact that other adjacent mechanisms also intervene [4].

Another interference hypothesis was raised by [9], regarding the automation of processes, arguing that the attention required for the process of naming the color is much more extensive than in the process of reading the word, the latter reaching a degree of automation. Thus, the delayed response in the Stroop test occurs as a result of this phenomenon of automatic word reading concurrent with the color naming process.

Cohen, Dunbar and McClelland established the "Connectionist Model" to explain the interference phenomenon in the Stroop Test, integrating into this model the "network theory" [10] which presented memory as a network comprising so-called connected "nodes", in which

the information is represented. So, the perception of a stimulus activates all the units (nodes) related to the representation of that stimulus. [11]

The “connectionist model” is based on a concept similar to that of Bower [10] regarding informational units that are connected to each other. It should be noted that there are a number of elements found in the neo-connectionist paradigm regarding information processing at the representational-algorithmic level through neuromimetic networks, this theory supporting the fact that information is represented by the human cognitive system through values and activation patterns of simple units, called neuromimes.

These neuromimetic networks are formed by a set of units, an activation state, an activation rule, an output function, a pattern of connections between these units, learning rules and an environment or ambience in which the network operates. Therefore, the rules that govern the dynamics of these networks are not rules for manipulating symbols, but rules for changing activation values. The algorithms for transforming input into output are no longer of a formal-logical nature, but consist in the mutual adjustment of the activation patterns between the network units.

### **Negative Priming**

The priming phenomenon has been subjected to numerous studies. Positive priming is described as the effect of rapidly associating information that was previously activated. This phenomenon can be highlighted very simply by directing the subject's attention to a certain object, to which the subject in a second phase must react. These researches show that on semantically or associatively combined stimuli, the subject reacts faster than on uncombined ones. [12] On the other hand, the effect of negative priming can be observed, highlighting the influence of the inhibition of irrelevant stimuli.

Negative priming is defined by a slowing of the response to a target stimulus that is identical or correlated with an ignored, distracting dimension of a previous stimulus [13]

The experimental procedure of negative priming involves a task in which the subject selects a stimulus, following an instruction to orient towards a certain color, location or other characteristics of the stimulus and responds specifically to the respective target under conditions in which it is presented simultaneously with one or more entertainers. The critical manipulation in such a task consists in using two distinct stages that follow each other and in which the subject must respond to a stimulus, (in the “trial” stage), which appeared as a distractor in the previous stage (the “prime” stage). In other words, the term “trial” refers to the experimental stage in which the subject's performance is quantified and classified in relation to a previous critical stimulation - the “primer” - in which the critical stimulus was presented as a distractor [14].

### **Explanatory Models Regarding Negative Priming**

The distractor inhibition model explains the origin of the negative priming effect through the process of inhibiting the presented distractors. The first ideas underlying this model were formulated by Dalrymple-Alford and Budayr [15]

This version was then improved by Neill [14] and Tipper [16] who started from the premise that during the presentation of the stimulus, the analysis of the target stimulus and the distractors take place, the selection of the relevant stimulus operating immediately after this analysis, the internal representations of both being activated categories of stimuli.

Thus, while the process of selecting the target stimulus is operating, the representation of the distractor stimulus is also processed, but in a different form, the latter being actively inhibited, a process that requires at least 1000 ms. In the conditions in which the stimulus

inhibited in a previous phase is presented again, this time as a target stimulus, processing at the informational level requires a much more intense activation, thus amplifying the reaction time. The negative priming effect results from the inhibition of the distractor in a priming phase, which persists until the experimental phase.

Tipper [16] was able to demonstrate that the negative priming effect can be highlighted not only for identical stimuli but also for those belonging to the same category, explaining that the ignored stimuli are integrated at the level of a categorical representation field, at the level of which it manifests itself and the negative priming effect.

Thus, a new, complementary explanation emerges that holds that inhibition functions similarly to the activation of a categorical network.

***The Episodic Retrieval- Model*** explains the negative priming effect from the perspective of the mnemonic processes that take place in the control phase, re-updating the information from the priming phase. This model is based on the ideas established by Logan [17] regarding automation.

Neill [14] starts from the premise that the mechanisms described have a central role in producing the negative priming effect. Thus, a perceived stimulus represents a re-actualization indicator of a previous situation in which the stimulus had been processed. If in a previous phase - priming phase - the current stimulus was ignored, the subject having to not react, this stimulus acquires an attribute of "non-reactive". This information is updated in the control phase, causing a conflict between the engrained attribute and the requested reaction to the current target. Clearing this conflict takes time, increasing reaction time.

***The Feature Mismatch Model*** explains the origin of the negative priming effect through the mismatch of the features of the distractor stimulus and the target stimulus. This model was outlined by Park and Kanwisher [18], who formulated a localization task in which subjects reacted to the location of the target (O) while simultaneously exposed to a distractor with a different identity (X) that they had to ignore. Therefore, when the target stimulus appeared in the location where previously, in a priming phase, a distractor stimulus had appeared, reactions were delayed [16].

Park and Kanwisher explained that the effect of negative priming in this task occurs by changing the identity of the symbols associated with some objects, which appear in the priming phase and in the control phase in the same location, as it is a discrepancy, in the way that the target stimulus in the control phase appears at the location of the distractor stimulus in the priming phase.[17]

The limits of this explanatory model were highlighted by Tipper, raising the issue of categorization and identification tasks, subjects reacting to a target according to color, creating the respective discrepancy between the two stimuli. [13]

***The Temporal Discrimination Model*** explains the origins of the negative priming effect through the incomplete and superficial processing of the distractor stimulus during the priming phase [13].

The negative priming effect was also studied in other contexts, the priming phase presented a single word for 33 ms, the subjects being instructed not to react to the stimulus, later, in the control phase, two words being presented simultaneously, the target word had to be named and the distractor ignored. Distractor stimuli previously presented in the priming phase required more time in the control phase when they were assigned the quality of target stimulus.

This model is the basis of Logan's theory [9] regarding automaticity, thus explaining the fact that stimuli processed analytically, previously, in a priming phase, are automatically updated from memory. Even if the stimulus had only been partially processed in the priming

phase, its representation is still activated, producing the negative priming effect. It is assumed that the delayed reaction to the target stimulus is based on the process of classifying the stimulus as new or old, before it has been processed.

Gorfein and MacLeod [18] argue that cognitive inhibition involves blocking a mental process, be it selective attention, memory, or any other cognitive process, partially or fully, with or without intention. This influence does not completely eradicate a cognitive process, but rather slows it down or reduces it, the inhibition being sometimes intentional and controlled, sometimes automatic.

## Conclusions

Inhibitory mechanisms include behavioral inhibition that refers to processes such as inhibition of motor responses and cognitive inhibition that controls mental processes (memory and attention), reflected in the suppression of irrelevant information, inappropriate meanings or ambiguous words, accessing information from the working memory. [19]

These conceptual distinctions regarding different types of inhibitions correspond to different stages of information processing, interference control proposed by Nigg [3], resistance to interference [1] and perceptual interference control [20] and seem to refer to a perceptual stage of processing where relevant information is selected and distracting information is ignored.

## REFERENCES

- [1] Harnishfeger K. K. (1995). The development of cognitive inhibition: Theories, definitions, and research evidence. In F. N. Dempster & C. J. Brainerd (Eds.), *Interference and inhibition in cognition* (pp. 175–204). San Diego, CA: Academic Press
- [2] Wilson S. P., & Kipp K. (1998). The development of efficient inhibition: Evidence from directed-forgetting tasks. *Developmental Review*, Vol.18(1), pp.86–123.
- [3] Nigg (2000). On inhibition/disinhibition in developmental psychopathology: Views from cognitive and personality psychology and a working inhibition taxonomy. *Psychological Bulletin*, Vol 126(2), pp. 220-246.
- [4] MacLeod C. M., Dodd M. D., Sheard E. D., Wilson D. E., & Bibi U. (2003). In opposition to inhibition. In B. H. Ross (Ed.), *The psychology of learning and motivation* (Vol. 43, pp. 163–168). San Diego, CA: Academic Press
- [5] Hamm V. P., & Hasher L. (1992). Age and the availability of inferences. *Psychology and aging*, Vol. 7(1), pp.56.
- [6] Siegler, R. S. (2002). Variability and infant development. *Infant Behavior and Development*, Vol. 25(4), pp. 550-557.
- [7] Stroop J. R. (1935). Studies of interference in serial verbal reactions. *Journal of Experimental Psychology*
- [8] Vandierendonck A., Liefoghe B., & Verbruggen F. (2010). Task switching: interplay of reconfiguration and interference control. *Psychological Bulletin*, Vol.136(4), pp. 601–626
- [9] Logan G. D. (1988). Toward an instance theory of automatization. *Psychological review*, Vol. 95(4), pp. 492.
- [10] Bower J. M. (2002). The organization of cerebellar cortical circuitry revisited: Implications for functions. *Annals of the New York Academy of Sciences*, Vol.978, pp. 135–155.
- [11] Cohen J. D., Dunbar K., McClelland J. L. (1990). On the control of automatic processes: a parallel distributed processing account of the Stroop effect. *Psychological review*, Vol. 97(3), pp. 332.
- [12] Scarborough D. L., Cortese C., & Scarborough H. S. (1977). Frequency and repetition effects in lexical memory. *Journal of Experimental Psychology: Human perception and performance*, Vol. 3(1), pp. 1-17
- [13] Milliken B., Joordens S., Merikle P. M., & Seiffert A. E. (1998). Selective attention: A reevaluation of the implications of negative priming. *Psychological Review*, Vol. 105(2), pp. 203.
- [14] Neill, W.T. (1977) Inhibitory and facilitatory processes in selective attention. *Journal of Experimental Psychology: Human Perception and Performance*, Vol.3(3), pp. 444-445
- [15] Darymple-Alford E. C. & Budayr B. (1966). Examination of some aspects of the Stroop color-word test. *Perceptual & Motor Skills*, Vol. 23, pp. 1211-1214.94.

- [16] Tipper S. P. (2001). Does negative priming reflect inhibitory mechanisms? A review and integration of conflicting views. *Quarterly Journal of Experimental Psychology*, Vol. 54(A), pp. 321–343.
- [17] Park J., & Kanwisher N. (1994). Negative priming for spatial locations: Identity mismatching, not distractor inhibition. *Journal of Experimental Psychology: Human Perception and Performance*, Vol. 20(3), pp. 613.
- [18] Gorfein D. S., & MacLeod C. M. (2007). *Inhibition in cognition*. American Psychological Association.
- [19] Friedman, N.P., & Miyake, A. (2004). The relations among inhibition and interference control processes: A latent variable analysis. *Journal of Experimental Psychology*, Vol. 133(1), pp.101-135
- [20] Dempster F. N., & Brainerd C. J. (1995). *Interference and inhibition in cognition*. San Diego, CA: Academic Press.

**PSYCHOLOGY SECTION**

**STUDENT PAPERS**



# The Psychological Profile and Activities of the Human Resources Manager

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## Abstract

Specialized research and practice in the field have demonstrated the importance of the human resources manager (HRM) within organizations because he ensures the knowledge and the most efficient use of personnel to achieve organizational and employee objectives. This study aims to investigate the opinion of both company managers and human resources managers regarding the importance, activities, studies, and profile of HRM.

*Keywords: human resources manager, human resources manager profiles, activities*

## Introduction

*“I am convinced that nothing we do is more important than hiring and developing people. At the end of the day, you bet on people, not on strategies.” Lawrence Bossidy.*

The success of any organization largely depends on the quality of human resource management because, as many experts in the field note, an organization's competitive advantage lies in its people. “Human capital has replaced, as strategic importance, financial capital” [4, p. 19] Human resources are a central indicator of performance, a source of innovation, and strategic reinvention because it is a combination of genetic inheritance, education, and experience [5]. Companies that have realized the importance of the human resources manager benefit from the advantages of teamwork, ensuring the compatibility between the job requirements and the competence of the staff. Therefore, the employee is more motivated, engages actively in the work process, and is more responsible because the human resource managers adopt coherent techniques for managing conflicts, motivating employees, and effective ways of rewarding according to performance evaluation, along with the individuality of each employee.

A kind and empathetic resource manager who correctly understands the nature of kindness is a valuable member because he unlocks extraordinary potential that is inside the employee [3].

To achieve organizational objectives and reach organizational performance, the human resources manager proposes the continuous improvement of the activities of all employees and advises them, applying the most suitable methods for solving less favorable situations [2]. The human resources manager must be an initiator of change, explaining its importance, but also its implementation as efficiently and quickly as possible [1].

## Methodology

*The research objectives are:*

- Knowing the opinion of company managers regarding the activities, studies, and profile of the human resources manager (HRM).

- Knowing the opinion of human resources managers (HRM) regarding the activities, studies, and profile of the human resources manager.
- Comparing opinions with existing reality.

***The research hypotheses are:***

- There are differences between the opinion of the company manager and HRM regarding the employment decision (I.1) and regarding the importance of HRM activities (I.2)
- (I.3) If there are differences between the opinion of the company manager and HRM regarding the usefulness and importance of the role as advisor, internally for other departments.
- (I.4) If the HRM activity is valuable and important to top management.
- (I.5) If HRM's opinion matters and is valuable in solving organizational problems.
- Comparing the opinion of the company manager with the HRM regarding what each thinks about the type of studies that the HRM should have (I.6) and (I.7) regarding the proposals of the HRM have the support of the top manager.

***Research participants:*** 51 companies participated in this research, private (83%), state (9.4%), and autonomous firms (7.5%) with different fields of activity: services, trade, production, trade, and construction in the County Mures. A percentage of 39% of companies have between 0-10 employees, 21% are companies with between 10-49 employees, 12% are medium-sized companies with between 50-249 employees and 28% are large companies with over 250 employees. Those who participated in the research are 51 company managers and 34 human resources managers.

***The research tools***

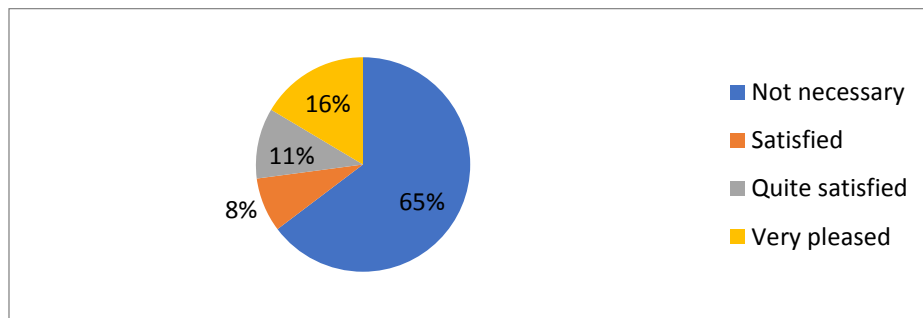
The questionnaire was developed by the students and is structured in 2 parts: one is addressed to the company manager with 21 items and one to the human resources manager with 24 items. The questionnaire covers aspects regarding the importance of the human resources manager within the company, his main activities, his training, and his profile. It was made on the Google Form platform and applied online, being the impossibility of a physical meeting due to the pandemic restrictions of 2021.

***Procedure:*** The study was conducted by students of year 2, year 3 from the Faculty of Psychology of the Dimitrie Cantemir University, from Târgu-Mureș, and master students in Human Resources Management, within the Work Psychology Course under the careful guidance of Professor Mihaela Stoica. During the study, the students come across difficulties in applying the questionnaires due to the lack of openness and the refusal of the company managers or HRM. A significantly large number refused to complete them citing reasons such as lack of time, lack of knowledge in applying the online questionnaire, the fear that they will not know how to answer the questions correctly or that they suspect that there are other reasons behind the research I follow their verification. This fact explains the small number of responses received compared to the large number of companies contacted.

**Research results**

The results received for the question: Do you have a human resources manager employed in your payroll? 40.4% answered affirmatively and 59.6% negatively. 34 of the 51 managers recognized the usefulness of the existence of an HRM, and those who support its ineffective existence have companies with few employees. Most managers according to Fig. 1., who have an HRM in the organization's grid, declare themselves very satisfied with the activity performed

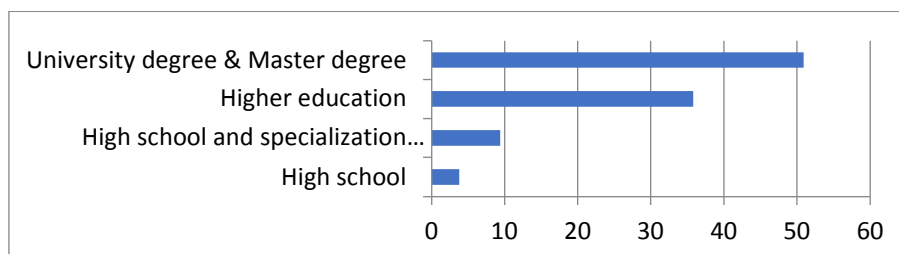
in the organization (16.47%), satisfied (8.24%), and quite satisfied (10.59%), there being answers of very little or somewhat satisfied of their work.



**Fig.1.** The results regarding company managers' satisfaction with the existence of HRM

The managers answers to demand regarding the basic activities of the human resources manager were as follows: data entry of employment contracts into REVISAL - 43.4%, selecting and hiring staff - 83%, preparing job descriptions - 79.2%, calculating time and overtime - 35.8%, achieving employee labor protection - 39.6%, performing periodic evaluation - 67.9%, calculation of allowances, rest, medical leave - 26.4%, staff training - 50.9%, unfortunately, 28.3% answered that they terminate employment contracts based on psychological testing, investigation of professional satisfaction and occupational stress - 60.4 %, calculation of salaries and related allowances - 32.1%, and the HRM opinions are: entering employment contracts into REVISAL - 52.9%, selecting, and hiring staff - 85.3%, preparing job descriptions - 73.5%, calculating time and overtime - 52.9%, achieving employee labor protection - 26.5, performing periodic evaluation - 64.7%, calculation of allowances, rest, medical leave - 38.2%, staff training - 58.8%, unfortunately, 26.5% answered that they terminate employment contracts based on psychological testing, investigation of professional satisfaction and occupational stress - 47.1%, calculation of salaries and related allowances - 38.2%. The results regarding the collaborative activities between HRM and company manager, judging on a scale from 1 to 5, where one means to a very small extent and five means to a very large extent.

The results shows that 37 out of 51 company managers claim that the HR manager's opinion influences their employment decision, 11 were neutral and five said no. In solving organizational problems, the opinion of the human resources manager matters. 45.3% claimed that the HR manager's opinion matters and 37.7% even very much. Only a proportion of 3.8% believe that his opinion would not matter and 13.2% were neutral. Regarding the training of an effective human resources manager, 50.9% believe that HRM should have higher education and a master's degree, 35.8% have Higher education, and only 3.8%, i.e. only two company managers - high school (fig .2).



**Fig. 2.** The opinion of company managers regarding HRM training

The results presented in figure 2 are gratifying, as they show us that company managers have understood that education and professional training for HRM is very important, regardless of the size of the organization. Regarding the specialized courses that would be useful for an HRM:

59.6% (31) say that the Human Resources Inspector course is useful, 19.2% (10) Coaching courses, and 9.6% (5) the Labor Protection course.

The effective HRM profile seen by company managers who employed HRM consists of: good communication skills (9), being a good negotiator (7), empathy (7), self-control (5), disciplined (5), well organized (5), with moral and ethical principles (5), personable (4), open to change (4) ability to manage conflicts (3), positivity (3), coordination skills of the team (3), self-confidence (3) conscientious (3), knowledgeable of the law, impartial and reliable (2), balanced, non-individualistic, creative, punctual, public speaking skills (2), resistance to stress (2), patient, dynamic. The majority of managers who do not have HRM believe that communication skills (10) are the most important, they believe that he must be sociable (5), have organizational skills (4), have self-confidence (4), attention to detail (4), empathetic (3), conscientious (3), know how to negotiate (2), be objective (2), conflict resolution (3), very knowledgeable, serious, intelligent, able to make decisions under pressure. The HRM opinion regarding the effective HRM profile refers to knowledge in the field (5), empathy, communication skills, fairness, calmness, emotional stability (3), intelligence and innovative spirit (2), severity, leadership skills, firmness, and seriousness (1), critical thinking, honesty, transparency.

When asked about the reason for hiring an HRM, managers would hire an HRM within the company: to design and implement people strategies, to ensure that the organization has the right team, for recruitment, and hiring, to make the work of employees more efficient, to motivate employees, for the management and functioning of the team at maximum capacity and for achieving maximum performance, for updating and maintaining documents, for having a clear record of vacancies in the company, for organizing training and workshops, for facilitating communication between the manager and subordinates, for counselling in employee matters.

The significant results regarding the comparison of the opinion of managers and HRM are shown in the table. 1.

**Table 1.** The significant results obtained when comparing environments regarding the opinion of company managers and HRM

Tip Personal		N	Mean	Std. Deviation	Std. Error Mean
The HRM opinion influences employment decision	Manager	51	1.8039	1.11390	.15598
	HRM	34	2.1765	1.26660	.21722
How satisfied you are with the HRM activity	Manager	51	2.4902	2.19429	.30726
	HRM	34	.0000	.00000	.00000
HMR have a role as internal advisors for other dep.?	Manager	51	3.6275	1,16552	.16321
	HRM	34	.0000	.00000	.00000
HRM activities are important for top managers	Manager	51	.0000	.00000	.00000
	HRM	34	4.5000	.70711	.12127
HRM opinions is important in solving organiz. problemes	Manager	51	4.1176	.93053	.13030
	HRM	34	.0000	.00000	.00000
What education should he have HRM?	Manager	51	3.3529	.82033	.11487
	HRM	34	3.3235	.63821	.10945
The proposals of HRM have the support of the top manager	Manager	51	.0000	.00000	.00000
	HRM	34	4.5588	.56091	.09619

**Table 2.** Independent Samples Test

		Independent Samples Test									
		Levene's Test		T- test for Equality of Means							
		F	Sig	t	Df	Sig. 2 tailed	Mean Diff	Std. Error Diff	95% Confidance Interval of the Diff		
										Lower	Upper
The HRM opinion influences employment decision	Equal var assumed / not assum	4,046	,048	-1,430	83	,157	-,37255	,26059	- ,89085	,14575	
				-1,393	64,488	,168	-,37255	,26742	- ,90671	,16161	
How satisfied you are with the HRM activity	Equal var assumed / not assum	271,160	,000	-6,604	83	,000	2,49020	,37707	1,74021	3,24018	
				8,104	50,000		2,49020	,30726	1,87304	3,10735	
Do HMR have a role as internal advisors for other depart	Equal var assumed / not assum	66,890	,000	17,841	82	,000	3,62745	,20333	3,22297	4,03193	
				22,226	50,000		3,62745	,16321	3,29964	3,95526	
HRM activities are important for top managers	Equal var assumed / not assum	189,325	,000	-	83	,000	-	,09872	-4,69634	-	
				45,585	33,000		4,50000	,12127	-4,74672	4,30366	
				-			-			3,95526	
				37,108			4,50000				
HRM opinions is important in solving organiz problems	Equal var assumed / not assum	34,439	,000	25,751	83	,000	4,11765	,15990	3,79960	4,43569	
				31,601	50,000		4,11765	,13030	3,85593	4,37936	
What education should he have HRM?	Equal var assumed / not assum	2,203	,000	,176	83	,000	0,2941	,16676	- ,30227	,36110	
				,185	80,930		0,2941	,15867	- ,28629	,34511	
The proposals of HRM have the support of the top manager	Equal var assumed / not assum	372,972	,000	-	83	,000	-	,07831	-4,71457	-	
				58,218	33,000		4,55882	,09619	-4,75453	4,40308	
				-			-			-	
				47,392			4,55882			4,36311	

The results confirm the hypotheses 2,3,4,5 and 7. The values T is positive and significant and shows that there are differences regarding the opinion of managers and HRM, HRM versus managers believe that managers are more satisfied with the activity of HRM, with the advisory role that HRM has and involving HRM in resolving conflict situations than HRM. And the values T negative and significant shows that HRM considers that their opinion is important for top managers, and they have their support, compared to the company managers, according to the Table. 2. No significant values were obtained regarding HRM studies and the influence of HRM in the employment decision, there are no significant differences regarding the opinion of managers and HRM. The Hypotheses 1 and 6 are not confirmed.

## Conclusions

The results of the research study showed us that company managers consider the existence of an HRM within the company important, which has an important role in the company's activity. Related to the important activities that must be carried out by HRM in the first places are the activities regarding the selection and hiring of personnel - 83%, the preparation of job

descriptions - 79.2%, the carrying out of periodic evaluation - 67.9%, the training of personnel - 50.9% and the investigation of professional satisfaction and stress occupational - 60.4%, although company managers understood what a human resources manager means and consider his activity important, it is sad that there are still wrong activities attributed to the human resources manager and the fact that they ask him to perform administrative activities (calculation of time, overtime - 35.8%, calculation of time, calculation of allowances, salaries - 32.1%, calculation of rest, medical leave - 26.4%) or activities to be carried out by the human resources inspector (data entry into Revisal - 43.4%) or labor protection inspector (achievement of employee labor protection - 39.6%) and even erroneous activities the demand for employment contracts based on psychological testing 28.3% and that the human resources department is still expected to deal with these aspects. Even sadder is that some human resources managers declare that they perform these activities related to administrative activities or activities related to human resources inspectors.

Company managers consider it important that HRM have higher education, and even a master's degree, and related to the specialized courses, what they would appreciate are the Human Resources Inspector, Work Protection, and Coaching courses. The important features of HRM in the opinion of managers and human resources managers are good communication skills, empathy, self-control, self-confidence, emotional stability and calmness. The results on the opinions of managers and HRM shows that HRM considers that their opinion is important for top managers, and they have their support. No significant values were obtained regarding HRM studies and the influence of HRM in the employment decision, there are no significant differences regarding the opinion of managers and HRM, but this is a good think.

## REFERENCES

- [1] Bîrcă A. (2010) The human resources manager – promoter of changes, Jurnal Economica, no. 4(74), 2010, pp. 52-60 [https://ibn.idsi.md/sites/default/files/imag\\_file/Managerul%20de%20resurse%20umane\\_6.pdf](https://ibn.idsi.md/sites/default/files/imag_file/Managerul%20de%20resurse%20umane_6.pdf)
- [2] Braica A. P. (2017) The manager and the human resources department. Labor Law and Social Dialogue Scholarly Journal, pp. 57-64.
- [3] <https://www.universuljuridic.ro/dreptul-muncii-si-dialogului-social/page/18/>
- [4] Caldwell C. (2017) Understanding Kindness – A Moral Duty of Human Resource Leaders, The Journal of Values-Based Leadership, Vol. 10: Iss. 2, Article 8, July 2017, <https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1188&context=jvbl>
- [5] Panait B. (2009) Management of Human Resources, Jurnalul de Mâine Publishing House,
- [6] [https://www.academia.edu/41079582/Managementul\\_resurselor\\_umane\\_CRENF\\_2009](https://www.academia.edu/41079582/Managementul_resurselor_umane_CRENF_2009)
- [7] Vîrgă D., Vîrgă P. (2019) The development of the human capital of organizations: the importance and success of investments in human capital, Human Resources Psychology 3(2), pp. 84-92 <https://www.hrp-journal.com/index.php/pru/article/view/237/244>

# Optimization of the Implementation of e-Learning Systems in Primary Education

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## Abstract

The use of e-Learning [1] systems in education represents an important premise for optimizing the learning process, through the development of classic teaching methods used by teachers, but also through the creation of new methods that directly involve the use of electronic computers. These systems are not always used optimally, the benefits offered by the potential they make available being limited. Regarding the use of teaching methods based on the use of electronic computers in primary education, they are even more recommended to be used, due to the numerous computer resources that are made available to teachers for this age group, as well as due to the skills in using the computer that the new generations of children have.

Through the present research, we tried to identify some teaching methods, for the primary education cycle, by means of electronic computers, using various e-Learning systems and methods that they make available.

*Keywords: e-Learning, computer education, questionnaire, applications*

## Premises of the Study

With the rapid development of informatics, the technologies it entails are increasingly present in all aspects of life, both personal, social, and professional. In fact, this technology has produced the most profound social and professional revolution in human history. The interdependence between man and machine is increasingly accentuated, in some cases developing new methods, much optimized compared to the old methods, or in others creating methods that depend entirely on this interdependence. One of the main advantages that information and communication technology offers is the optimization of communication. The computer has made the barriers of communication and access to information extremely low, so that now anyone with a computer connected to the Internet can have access to an unprecedented amount of information. On the other hand, another major advantage of information and communication technology is the optimization of processes, in the sense of substantially increasing their speed, but also of easier access to these processes. Finally, an important thing that this technology offers to man is pleasure. The methods of communication and the content that information and communication technology make available to users are also constructed in such a way that they are attractive both in terms of content and in terms of how they are presented. Information is no longer static, bland, but dynamic both in content and presentation. Linear information begins to disappear more and more, being replaced by non-linear, dynamic, interactive, concise, and very concrete information. Interactivity is a key element of how information is constructed and distributed through information and communication technology.

Educational systems, schools are predominantly informational in nature. From this point of view, the use of information and communication technology in the optimization of the

educational process, and not only, is somewhat natural. The perspectives from which we can look at the implementation process can be the following:

- a. the informational content.
- b. the method of transmitting information, knowledge, skills.
- c. the disseminator of information, knowledge, skills, which in this case is the teacher, tutor, etc.
- d. the receiver, which in this case is the pupil, the student, the learner.

The implementation of information and communication technology at the educational level must consider these perspectives, in such a way that there is a symbiosis in communication, which leads to the highest possible efficiency of the educational process.

### ***Optimization of Informational Content***

The informational content must be viewed both from the perspective of the actual information it contains, from the perspective of its quality and quantity, and from the perspective of the way in which the information is presented and structured.

In the primary, secondary, and high school education systems, the informational content is mostly imposed by the curriculum. Optimizing this content is quite difficult to achieve at the level of the student class, most of the time it boils down to the choice of a specific study manual. However, the teacher can bring new information to complement or support the process of assimilation of information, knowledge, or skills. From this perspective, the teacher has at his disposal a lot of information, experiences, knowledge, skills that he can identify through the computer, using established educational platforms or portals and search engines. The experience gained by a teacher, or a group of teachers can be structured and developed by implementing e-learning systems at the level of a class, school, group of schools or even more.

From the perspective of the quantity and quality of the information, the following aspects must be considered: quantitatively, the information must be limited only to those aspects that confer relevance, usefulness, and applicability. Practical information must be predominant in relation to theoretical information. Also, new education systems must be based on information and communication technology because the paradigm of access to information has fundamentally changed. Information no longer needs to be memorized, it is very easily accessible, and what's more, it is highly perishable. The amount of new information grows exponentially with time, so memorizing it becomes useless. The focus should now be on understanding how the information can be used and how the student discerns the quality of the information. Indeed, access to information is becoming easier. This creates from our perspective a new problem: that of identifying the quality of information. The student must not only be taught to use information but must be taught how to discern between good quality and poor-quality information.

The way information is presented is also a key factor in the educational process, the learning process, the training process. Information is becoming more and more complex, and the linear structure of how to present it is increasingly inefficient. On the other hand, structuring information according to non-linear methods can bring disadvantages when there is no well-defined structure, a logical structure, easy to understand.

The implementation of information systems that optimize the informational content must consider these 3 aspects.



### ***Identifying the Optimal Methods of Transmitting Information, Knowledge, Skills***

From the point of view of the methods of transmitting information, knowledge, and skills, we must consider the following aspects: the type of information - and here we can divide the information into disseminating and applicative information, the level of interactivity, the actual method.

In all cases the use of teaching methods, including those that use information and communication technology, must consider one very important aspect: The learning process takes place optimally in the presence of pleasure. Physiologically this is because both emotions and long-term memory reside in the same area of the brain, called the limbic system [2]. Simply put, the student learns more effectively if the learning process causes him pleasure. Moreover, information is much better fixed in long-term memory.

On the other hand, I previously said that one of the purposes, but also one of the consequences, of computer use is to cause pleasure. It can be quickly concluded that teaching methods that use information and communication technology can often be more effective than other methods, precisely because learning takes place in the presence of the pleasure induced by using the computer. And this happens more and more naturally as the age of the student generations is younger, due to the naturally acquired adaptability in the use of information and communication technology.

The interactivity of the educational act involves 2 important aspects. On the one hand, the higher the interactivity of the educational act, the higher the understanding of how the received information can be used. on the other hand, interactivity creates a higher level of pleasure than the simple assimilation of information. This leads to a further optimization of the educational act. the advantages of using information and communication technology in the educational act is also that of offering a high interactivity, sometimes much more effective than by using other didactic methods. The use of games, simulations, etc. is often more effective in the presence of the computer, due to the lack of barriers of space, time, and security.

Regarding the method used, computer systems can provide game-type methods, simulations, tests, workshops, discussion forums, interactive lessons, etc. These methods are chosen according to the type of information transmitted, but also according to the level of acceptance of the method by the students.

### ***Aspects Regarding the Disseminator of Information, Knowledge, Skills***

The role of the information distributor is a very important one. In the case of the teacher, as a distributor of information, knowledge, skills, non-verbal communication is very important. The teacher must be perceived by students as a competent, empathetic partner, not a boss. Through his behavior towards students the teacher can be a provider of pleasure or stress. From this point of view, the way the teacher is perceived by the students is very important, because, as we stated before, the educational act is carried out optimally in the presence of pleasure. On the other hand, because students perceive communication through the computer as a pleasant way to receive information, knowledge and skills, the teacher must constantly adapt to this situation. The fear of using the computer in the educational process disappears only if the teacher understands the need for adaptation, understands the need for development, acting as such. Due to the permanent development of computer systems, of communication methods using these systems, the adaptation process must be permanent. The teacher must constantly look for new methods of communication, new computer applications specific to the discipline he teaches, so that the student has the best methods of learning at his disposal.

### ***Information Receiver Aspects, Knowledge, Skills***

The student is the main actor of the educational process, he is the central element towards which all the components of this process converge. Education systems must adapt to the needs and abilities of the student. Due to the current context, these needs and capacities are changing very quickly and intensively, which means that education systems must be extremely flexible. This flexibility is only possible through the implementation of IT systems in the educational act. The development of today's society based on information and communication technology requires that education based on the use of modern learning methods involving computer systems be implemented as quickly and flexibly as possible at all educational levels.

### **Model Regarding the Choice of Computer Systems for Learning**

We can classify computer systems for learning - or as they are generically known as e-Learning (electronic learning) - into 2 large categories:

a. e-Learning computer applications, whose main role is the transmission of information, knowledge, skills.

b. e-Learning computer systems, whose main role is the management of educational resources and activities, of actors involved in the educational process, of support activities related to the educational act.

In what follows, we will establish a method of selecting e-Learning computer applications, based on the completion of a questionnaire. Based on this questionnaire, 2 or more similar IT applications will be compared from the point of view of the theme they address, based on criteria that include the 4 previously defined perspectives. Each criterion will be given a score from one to 10 points based on the specific level of satisfaction it meets. Also, each criterion can be assigned a relevance factor.

The criteria that should be considered can be, without being limited to them, presented in the table attached to the questionnaire below (from 1 to 10 points are given for each criterion or sub-criterion, in the most objective way possible, by the teacher):

**Table 1.** Questionnaire for choosing an e-Learning application

<b>Questionnaire for choosing an e-Learning application [3]</b>				
<b>Item</b>	<b>Relevance factor (optional) (between 0 and 10)</b>	<b>Application</b>		
		<b>App#1</b>	<b>App#2</b>	<b>App#3</b>
App#1 - <a href="http://123edu.ro">http://123edu.ro</a> App#2 - <a href="http://canva.com">http://canva.com</a> App#3 - <a href="http://digitale.ro/resurse-educationale-deschise">http://digitale.ro/resurse-educationale-deschise</a>		<b>Rate each application from 1 to 10</b>		
1. Informational Content.				
1.1. The e-Learning application is useful for a subject or topic in the curriculum.	5	9	9	10
1.2. The e-Learning application contains sufficient information and conveys sufficient knowledge or skills.	5	10	10	10
1.3. The e-Learning application contains quality information.	5	9	9	10
1.4. The manner of presentation of the information.				
1.4.1 The e-Learning application presents information in a non-linear, interactive way.	5	9	9	10

1.4.2. The e-Learning application is logically structured.	5	10	9	10
1.4.3. The e-Learning application presents the information intuitively.	5	9	10	10
1.4.4. The e-Learning application presents information in an enjoyable way for students.	5	10	10	10
1.4.5. The e-Learning application has feed-back components.	5	9	9	10
2. The method of transmitting information, knowledge, skills.				
2.1. The e-Learning application is practical.	5	10	10	10
2.2. The e-Learning application is interactive				
2.2.1 The e-Learning application features attractive animation elements.	5	10	9	10
2.2.2 The e-Learning application uses attractive music and sounds.	5	10	10	10
2.3. The e-Learning application uses elements that develop the imagination.	5	10	9	10
2.4. The e-Learning application uses elements that develop creativity.	5	10	10	10
2.5. The e-Learning application uses elements that develop the ability to analyze.	5	10	10	10
2.6. The e-Learning application uses elements that develop memory.	5	10	10	10
2.7. The e-Learning application uses elements that develop teamwork.	5	10	9	10
3. Information Disseminator Criteria				
3.1. The e-Learning application is simple to implement from a technical point of view.	5	10	10	10
3.2. The e-Learning application is easy to use by the teacher.	5	10	9	10
3.3. The e-Learning application provides sufficient feedback to the teacher.	5	10	10	10
4. Criteria regarding the receiver of information (the evaluation will be based on the data collected from the students, using various feedback methods),				
4.1. Students are happy when they use the app.	5	10	9	10
4.2. Students focus better on informational content when using the app.	5	9	9	10
4.3. Students can also use the app from home.	5	10	9	10
<b>TOTAL</b>		<b>1.070</b>	<b>1.040</b>	<b>1.100</b>

For each individual application a score will be calculated based on the following formulas:  $P_i = (\sum_{k=1}^n pct_{ik}) / n$  or, if relevance factor are applied  $P_i = \sum_{k=1}^n pct_{ik} \times pnd_k$ , where  $P_i$  is the overall score awarded for application  $i$ ,  $n$  represents the total number of criteria,  $k$  is the index of the criterion,  $pct_{ik}$  is the score awarded for a certain criterion at application  $i$ , and  $pnd_k$  is the weight of criterion  $k$ .

For a better efficiency of the learning process using e-learning applications, it is recommended to choose the application that has the highest overall score. In the exemplified case, the applications from the <http://digitale.ro/resurse-educationale-deschise> platform will be chosen.

## REFERENCES

- [1] Stoica A.L (2022). *Beneficiile utilizării platformelor E-learning în predare-învățare*. Editura Școala Vremii, Arad.
- [2] Queensland Brain Institute. *The limbic system*. <https://qbi.uq.edu.au/brain/brain-anatomy/limbic-system>.
- [3] The questionnaire was accomplished at the Avram Iancu Secondary School, Bistrita, Romania, in the second class of study, between November 14-17, 2022.

# Political Psychology- A Paramountly Theoretical and Conceptual Approach

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## Abstract

The present article aims to decant the theoretical and conceptual dimension afferent to the fascinating science of political psychology. Due to the fact that there is a lack of scientific research in this major field, this approach has the purpose to configure the theoretical and conceptual register regarding this complex and profound science. The entire paper is an attempt to clarify and most of all, define the importance of this capital discipline.

*Keywords: political psychology, conceptual and theoretical approach, political behaviour, political actions*

Political psychology is, without question, a fascinating and deeply complex science. It deals with the most profoundly impactful patterns concerning the paradigm of actions and behavioural models within the realm of politics. Furthermore, this science supersedes all of the theories and conceptual ideas within the domain of political sciences by virtue of applying its inquisitive prism to a constellation of vastly different elements compared to those previously held responsible for actions and undertakings within the sphere of politics.

Semantically, as well as in other aspects, the allure of the unfamiliar character of political psychology incites the interest of any person- whether a layman or an initiate. Questions such as “what is this?” or statements such as “I hadn't known such a science exists” [1], are quite familiar within the national and international scientific stage. Evidently, political psychology is a science unlike any other; it is altogether remarkable, owing to its deeply complex analytical and interpretative repertoire. In equal measure, political psychology is a profoundly interdisciplinary science, with a multidimensional and versatile scientific substrate.

This aspect implies the following: beyond placing within the essence of its analytical core the binomial consisting of psychology-political sciences, political psychology also encompasses other fundamental branches of knowledge. In other words, “it means that any foray into, or attempt of delineating the object of political psychology will entail the high criterion of multidisciplinary, which portends that psychologists, philosophers, linguists, logicians, historians, and sociologists alike can no longer ignore each other” [2], but rather they ought to collaborate towards the common goal of distilling the scientific essence of the discipline in question.

Likewise, given that we are speaking of a science which falls outside of the typical scientific pattern, political psychology uses a dissimilar set of methodologies and instruments, based in the wealth of qualitative research methods. Thus, it is apparent that political psychology, as an exceptionally deep and complex science, builds its analytical pursuits upon a wealth of strategies which value the “significance of words instead of the significance of numbers, seeking to encompass a unique reality defined by the variety of individual experiences” [3].

We must also note that “for a long-time political psychology has been perceived as a branch of social psychology, and the concerns within its field of study have been presently attributed to other sciences” [1]. Regardless, many distinguished authors consider that this discipline “sits

at the confluence of human and social sciences, and not within social psychology, as it has been traditionally perceived; thus, we are not speaking of an implementation of social psychology within the political domain, or of the daughter of social psychology” [4].

Given these incontestable premises, we can assert the fact that in its most elementary acceptation, political psychology is a science of substance and of multidisciplinary nature, which establishes itself at the border between psychology and political sciences, whose analytical repertoire targets the recognition and comprehension of the dynamic psychological aspect of the political ethos. In its scientific dimension, “political psychology is a specialized branch of psychology which investigates the relevant psychological and socio-psychological particularities, both on an individual level as well as on a collective level, of those embroiled in political activities and actions, the motivations behind political actions, the impact of psychological factors on political processes, events, and incidents, as well as their impact on the psychological traits of the individual or of the collective” [5]. In summary, political psychology teaches and aids us to delve into the psychological context of the political universe, with its breadth of constellations of connotations and nuances, greatly contributing to the identification of problematic behavioural patterns and replacing them with prominently beneficial ones. More pointedly, “political psychology is the science which explains how and why political people think and act the way they do” [1]. Therefore, according to this pivotal argument, individuals are conditioned to act within the sphere of politics under the influence of “internal factors, such as personality, attitude, and self-identity; then, they assess the environment and others through cognitive processes which create representations concerning others; ultimately, through a combination of the aforementioned factors, they decide how they will act” [1].

Thus, starting from all of these factors and pivotal elements, we can conclude that political psychology gives us the opportunity to truly discover what lies within the occluded dimension of political actions, endeavours, and behaviours. In other words, we can better understand that the root of apparent attitudes and actions undertaken by individuals within the sphere of politics does not constitute of rational arguments or predictable patterns of expression, but rather, it is found within the range of personality traits and attitudes, as well as within the individual sum of values and personal beliefs. Thus, the quintessence of the traditional approach regarding the understanding of ventures and endeavours within the sphere of politics is revolutionized, and political psychology manages to emphasize that at the basis of all political conduct lies a sum of fundamental perspectives and personality attributes.

Consequently, we can observe within the traditional genome of political psychology the existence of a multitude of meanings ascribed to it, among which at least six contracted connotations are notably recognized. “The first and foremost canonical meaning of political psychology is that of a discipline whose approach is centred around examining the mutual rapports between the psychological dimensions (behaviours, opinions, feelings, expectations, attitudes, values, and, even more profoundly, mentalities) on one hand, and the political universe (political institutions and their main actors) on the other hand. In equal measure, the second contracted meaning delineates the type of endeavours through which political social proceedings are delved into, and the acquisitional process pertaining to political norms and values within a certain society. Concurrently, the third meaning is centred around surveying the evolution of political institutionalization and the variety of its forms, of the rites through which domination and submission are exhibited, of the processes through which symbolic power is invested. Likewise, the fourth meaning joins the wealth of written work found within political sciences, seeking to decode the content, stakes and effects of ideological explanations used for the purpose of understanding social matters. Furthermore, the fifth meaning is strongly influenced by the unifying perspective offered by political philosophy, exploring the social embodiment of certain theoretical constructs pertaining to the political, such as citizenship,

legitimacy, charisma, rational choice, etc. At last, the sixth significant disciplinary tradition studies the personality crises that occur within a disruptive social context” [6].

Undoubtedly and unquestionably, regardless of the angle it is observed from, political psychology proves to be a science with the potential to reform and revolutionize, liable to prompt innovations within the decisional context affecting political actions and behaviours. In other words, political psychology shows us that at the basis of all political endeavours and incentives lies an array of fundamental psychological mechanisms which ought to be identified and explained. In consequence, “political psychology, or the science of governance, is so vital that statesmen cannot afford to overlook it. It is that much more important when considering that it establishes itself upon the individual studies of psychology, of masses, of peoples, and at last, on the teachings of history, massively contributing to resolving problems relevant to everyday life” [7].

Of course, alike other disciplines ascribed to the sphere of social and humanistic sciences, political psychology exhibits a series of keystone premises which beget the necessity of perpetual scrutiny of this domain of superlative interest, as well as a set of elements which hinders the scientific evolution of the discipline in question.

Prevailing among the favorable conditions for the development of this discipline lies the considerable systematic attention it has received in the last several decades of the previous century. Political psychology as a term appears in the years 1860 and 1861 respectively, through the publishing of a series of articles which have become fundamental frames of reference for the present domain of study. The interest manifested for the urgency of institutionalizing this area of study developed concurrently with the publishing of multiple scientific contributions to the field. To this end, a series of authors emerge who begin to emphasize the importance of the study of political psychology, as well as that of its inclusion in the academic curriculum of university studies. Among the aforementioned authors, the prevailing representative emissary is George Grundy, distinguished British professor of ancient history, an expert on the military history of ancient Greece and Rome, who manages to inquisitively ingress into the covert purport that lies behind the scenes of this discipline, envisioning the possibility that this unique and distinct science subsumed under the registry of history has the wherewithal to become the key to preventing international conflicts. Thereby, in his famous essay titled “Political Psychology. A science which has yet to be created”, the author remarks the following: “Those who are acquainted with history, and especially those who are by profession teachers of the subject, will recognize that this present War, and the circumstances which have preceded and accompanied it, have brought into prominence a new department of historical science, political psychology, the psychology, that is to say, not of the individual, but of men acting in masses. The mass may vary from a very small company of individuals to the millions of a modern nation.” Likewise, in the epilogue of his essay, he states: “Political psychology is, as has already been said, a science which has yet to be created. When it is established in something like a scientific form, not by the works of doctrinaire philosophers, but by compilation from the experience of those who are acquainted with the souls of their own and of other nations, there will be a good hope that those wars- and they are many- which are due to national and international ignorance may not in the future play the part which they have played in past history” [1].

The historian George Grundy is certain to have decisively marked the scientific and institutional route of political psychology, substantially contributing to the charting of ulterior directions of research in the field. Practically, by actualizing the true value and scientific quintessence of this discipline, George Grundy proved himself to be a true trailblazer for this important field of study. We find beyond merely testimonial evidence of this fact in the history of the most representative stages of development of this science. Thus, the first period comprised of arranging and actualizing substantial studies for the purpose of understanding the

personality traits and main characteristics of political leaders. The second stage was distinguished through the evident interest in studying public opinion and the nature of electoral behavioural patterns present in the USA. The third stage of development of this discipline brought to the forefront a completely innovative approach which involved the implementation and utilization of elements of political psychology within the fascinating sphere of international relations. Thus, the analytical prism of this pivotal stage was crucial in achieving the remarkable performance of ingressing into the substance of the contextual catalyst which prompts actions and behaviours significant within the sphere of international relations, alongside the implicit materialization of an accurate and authentic guide for reading and interpreting international dynamics. In practice, owing to this unique field of study with its multidisciplinary scientific background, an ample amount of problems pertaining to the international stage can be filtered through a rigorous analytic view, such as the issues of armed conflagration, genocide, terrorism, interethnic clashes, nationalism, problematic bilateral relationships, etc.

In other words, through the aid of political psychology we are currently being given the opportunity to develop a much more profound understanding of what truly lies behind international events we are all witness to, and we are simultaneously being given the means to become aware of the fact that: “at the basis of the incidence of terrorist attacks lies an analysis of the individual- which delves deeply into the notion of terrorist personality- as well as of the group- which investigates additional factors such as recruitment policies, indoctrination, conformity and obedience; in fact, we will often find the psychological analysis of the binary witness/altruist algorithm to be at the basis of interethnic conflicts; and that, in truth, the psychology of conflict is determined by a constellation of elements related to social identity” [8]. Undoubtedly and without question, by means of the subtle and profound mechanisms of political psychology we gain access to a vision in equal measures complex and explicit pertaining to the phenomenology of international relations, which constitutes a major advantage for the sake of prevention and reconciliation of all matters which directly affect us.

Regardless, beyond this pertinent collection of perspectives which favor and help to catalyze present research in the field, we also find a series of difficulties which hinder inquisitive efforts within the realm of political psychology. “The first and foremost obstacle lies in asserting the scientific nature of political psychology, acknowledging the fact that the methodology of positivist sciences cannot be reliably and systematically applied in this field. Furthermore, a second difficulty lies in defining this discipline which is found at the confluence between concerns pertaining to psychology and politics alike” [2].

Regardless of all this, and despite the main factors which impede research in the field, we can confidently claim that political psychology is a truly necessary science, which confers meaning and substance to the world we live in, through its multidimensionality and multifaceted versatility. Political psychology, is, without question, more than a modern trend within the sphere of politics, or a simple branch ascribed to the aforementioned field of study; on the contrary, it can serve as an authentic scientific compass for navigating the multifaceted universe in which we live, and furthermore, it may very well be the key to resolving the great variety of issues with which we are currently faced.

Without further digression, we can synoptically conclude that political psychology, evidently and without question, embodies “an approach which articulates the vast results of research conducted by human and social sciences, a transversal and intricately networked school of thought, a noble science which assembles the accomplishments and considerations which derive from a variety of different fields of research, as well as their challenges- attempting to bring solutions to the current general crisis faced by democratic regimes and the ideologic denaturation which has been eroding them in postmodern society-, but also a project of humanistic restoration, an answer to the formidable dysfunctionality of representative



democracy and, concurrently, an answer to the current yearning for security in a world which many perceive as more and more dangerous and unsafe...” [4].

## REFERENCES

- [1] Blidaru Horațiu (2007). *Elements of political psychology. Course notes*, “Dimitrie Cantemir” Christian University, Faculty of Political Science, pp.3-11;
- [2] Betea Lavinia (2001). *Political psychology: individual, leader, crowd in the communist regime, Polirom, p.10;*
- [3] Popa M. *Research methodology (course notes). Notions of qualitative research*, APIO, p.3;
- [4] Dorna Alexandre (2005). *Foundations of political psychology*, Polirom, pp.10-12;
- [5] Gagy Tiberiu (2001), *Politology, Focus*, p.12;
- [6] Maricuțoiu Laurențiu P (2006). *Political psychology*, Institutul European, p.10;
- [7] Le Bon Gustave (2003). *Political psychology*, Antet, p.6;
- [8] Cottam Martha L., Mastors Elena, Preston Thomas, Dietz-Uhler Beth (2016), *Introduction to political psychology. Third Edition*, Routledge, pp. 214-390.

# Measuring Children's Abilities. A Comparative Study Based on Dominant Cerebral Laterality

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## Abstract

A series of studies have confirmed the functional asymmetry of the brain and the dominance of the left hemisphere in verbal language. Although the two hemispheres are connected at their base by the corpus callosum, which allows the transfer of information, for the processing of data itself, the two function in specific ways.

Hemispheric dominance has been demonstrated through electrophysiological, neuropsychological and neurosurgical research methods. A certain function can be more integrated in a cerebral hemisphere, named dominant, than the other, named subdominant. Thus, a psycho-behavioral function is not equally divided between the left and right hemisphere, resulting in a lateralization tendency. Statistically, the left hemisphere is dominant and the right hemisphere subdominant.

*Keywords: cerebral laterality, abilities.*

## Introduction

The most apparent indicators of hemispheric dominance are indicated by the degree of functional asymmetry of the hands, feet and eyes. We can distinguish three possible situations: a) right-hand, right-leg and right-eye dominance, regulated by the left hemisphere, which is, in this case, dominant; b) left-hand, left-leg and left-eye dominance, determined by the right hemisphere – considered dominant; c) a relative functional equivalence between these pairs of organs signifies a weak functional asymmetry of the two hemispheres. Statistical data shows that the first case is the most common, found in more than 80% of the population, which implies that, usually, when we talk about dominant hemisphere, we refer to the left hemisphere.

The case of functional equivalence (ambidexterity) is the least frequent one. Among the more lateralized functions, considering the effects of unilateral hemispheric injury, we note: manual praxis, praxis of the inferior members, language, functions of symbolization – abstracting – generalization.

## Methods

Based on previous research which showed a difference in numerical aptitude between individuals, depending on hemispheric dominance, as well as on gender, we intended to study the differences between mathematical calculation, along with mathematical reasoning, depending on laterality and gender.

The study had a sample of 32 children, ages 10-12, differentiated by biological gender (12 male, 14 female) and by hemispheric cerebral dominance (14 left-handed, 18 right-handed).

To underline the differences between subjects and establish their cerebral dominance, the following tests were used:

**HARRIS Test for Lateral Dominance**, to determine cerebral hemispheric dominance.

**Mathematical Reasoning Test** (CAS++ platform) to assess numerical aptitude.

**Mathematical Calculation Test** (CAS++ platform) to assess the ability to process mathematical knowledge.

## Results

Regarding the first hypothesis, stating that the numerical abilities of our subjects are more integrated in the right dominant hemisphere (left-handed), we found a partial confirmation, the difference between the mean values achieved in the assessment of numerical abilities being  $p=0,62$ . This difference is statistically insignificant, even though our left-handed subjects obtained a higher score in numerical abilities than our right-handed subjects, who obtained a lower score.

Regarding the second hypothesis, stating that female subjects achieve higher levels in the arithmetic calculation ability than male subjects, we found a partial confirmation. The results of analyzing the score obtained by our subjects, comparing between the mathematical calculation ability variable and the biological gender variable indicated a significance coefficient of  $p=0,23$ , showing a lack of significant difference from a statistical point of view.

## Conclusions

Considering the results of our study and the disconfirmation of our research hypotheses, we can affirm that children's numerical ability is not affected by cerebral dominance specificity. These results are inconsistent with previous research (Andreas et. al., 2005 & Fehr et al., 2007), conducted on individuals with lower mathematical ability and an anatomically different right parietal lobe, that found that the left parietal lobe is involved in complex arithmetic calculation, an important function of number processing. The same results were found by the specialists at The Monroe Institute (TMI), in studies conducted over a period of 50 years.

The conclusions of our research provide valuable data regarding mental processes, a subject of interest for research, although hemispheric dominance cannot be considered a defining factor, it being a phenomenon associated with innate human traits.

## REFERENCES

- [1] Anna A. Matejko & Daniel Ansari (2019). The neural association between arithmetic and basic numerical processing depends on arithmetic problem size and not chronological age. *Journal of Developmental Cognitive Neuroscience*, 37, 100653.
- [2] Alvaro Pascual-Leone & Roy Hamilton (2001). The metamodal organization of the brain. *Journal of Progress in Brain Reserch*. 124, 427-445.
- [3] Avram E. (2009). *Neuropsihologie-Creier și funcționalitate*, Editura Universitară, București.
- [4] Dimona Bartelet, AnniekVaessen, Leo Blomert & Daniel Ansari (2014). What basic number processing measures in kindergarten explain unique variability in first-grade arithmetic proficiency? *Journal of Experimental Child Psychology*. 117, 12–28.
- [5] Booth J. L., & Siegler R. S. (2006). Developmental and individual differences in pure numerical estimation. *Developmental Psychology*, 42(1), 189–201.
- [6] Caron A.C. Clark, Ryan H. Hudnall & Sam Pérez- González (2020). Children's neural responses to a novel mathematics concept. *Trends in Neuroscience and Education*. 20, 100128
- [7] Radu V. P. (2021). Dominanța emisferică cerebrală și lateralitatea metode și procedee de examinare. *Revista Română de Terapia Tulburărilor de Limbaj și Comunicare*. VII, (2).

# Personality Disorders and Comorbidity Conditions in the Psychiatric Clinic

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## Abstract

This paper addresses the pathology of personality in terms of the paranoid, narcissistic and obsessive-compulsive personalities. They belong to Clusters A, B and C of the categorical classification of personality disorders. However, the casework is also approached from a developmental, biographical and dimensional perspective so as to highlight the risk factors for the ontogenesis of personality, as well as the behavioural and dimensional attributes ascribed to the positive and differential diagnosis. The comparative approach also used in describing the case studies, is aimed at highlighting etiological and clinically evolving characteristics. Our initiative confirms the diversity of the involved factors in the personality pathology as well as the multiple perspectives from which it can be described.

*Keywords: pathology of personality, paranoid, narcissistic and obsessive-compulsive personalities, ontogenesis of personality, differential diagnosis, case studies.*

## Research Objectives

**General Objective:** To confirm the importance of the assessment of personality disorders from an anamnestic, biographical and psychometric perspective.

**Specific Objectives:** The role of socio-cultural factors (life events, affective deficiencies, frustrations, abuse, flawed behavioural models) in the causes and dynamics of pathological personalities.

## Research Methodology

The research method used in the preparation of this work consisted of qualitative case studies.

## The Participants in the Case Studies Included in the Research

The case studies were done on 6 males and female patients of Romanian and Hungarian descent. They came from both rural and an urban environment, and were between 30 and 40 years old. They were inpatients at the psychiatric clinic, and were diagnosed with obsessive-compulsive, paranoid and narcissistic-type personality disorders.

## Methods and Tools of Investigation

### *1) Personality Inventory DECAS*

DECAS is a personality inventory which measures the 5 fundamental dimensions of personality: openness, extroversion, conscientiousness, agreeability and emotional stability. It consists of 97 “yes/no” standard questions (which count toward the final scores).

The results are in percentages and T-quotas. They are obtained by comparing the person being evaluated to a representative standard. From a quantitative point of view, the 5 dimensions can be interpreted in the following way:

- very low results (quotas between 20.00 and 34.99; percentiles between 1 and 7)
- low results (quotas between 35.00 and 44.99; percentiles between 8 and 30)
- average results (T quotas between 45.00 and 55.00; percentiles between 31 and 69);
- high results (T quotas between 56.01 and 65.99; percentiles between 70 and 93);
- very high results (T quotas between 66.00 and 80.00; percentiles between 94 and 99).

## 2) *Personality Questionnaire SCID II*

SCID-II covers all 10 personality disorders as well as personality disorders without any other specifications, passive-aggressive personality disorder and depressive personality disorder – included in Annex B of the DSM IV. Usually, the SCID II is applied in its entirety, nevertheless it is possible to use only the sections pertaining to the personality disorders which are of highest interest to the clinician or researcher. SCID II is organised in 3 columns: the left column contains the interview questions, the middle column consists of the DSM IV diagnostic criteria, and the right column is for the assessment of the items.

Each criterium for personality disorder is rated as either a: “?”, “1”, “2” or “3”.

? = The information is insufficient to be marked as a 1 or a 2

1 = Absent or False

Absent. The symptom described in the criteria is clearly absent (example., there is no proof of an identity disturbance)

False. The standard assertion is clearly false (ex., only one of the five symptoms necessary is present)

2 = Below the threshold level

The threshold for the standard is almost reached (ex., the trait is present, but it is not severe enough to produce a marked impairment or distress)

3 = Threshold Level or True

Threshold Level. The threshold for the level has been reached (ex., the subject admits the presence of a trait and offers a convincing example) or surpassed (ex., the subject describes several convincing examples, in various contexts).

True: The statement in the assertion is true

Account record: The presence of each personality disorder is determined as the interview progresses. At the end, the interviewer completes/fills in the summary chart where a dimensional score has been calculated for each personality disorder by adding up the number of items rated positive.

For each disorder there is a field/range that indicates the threshold of each category according to the DSM IV (the number of items necessary for diagnosis). In the frequent situation in which the criteria for personality disorders have been met, the interviewer is encouraged to indicate/point out “the main diagnosis on Axis II” (namely, the personality disorder which should be the main focus from a clinical point of view), by registering the two-number code (found on the left side of each diagnosis on the rating charge) at the bottom of the charge.

## 3) *The Individual Sketch - Projective Test*

The Machover technique consists of the following: the subject is given a piece of paper, a pencil and an eraser and is asked to draw a person. The examiner notes on a different paper the identity and other preliminary indices, the time spent with the drawing, the spontaneous comments of the subject and the order in which the parts of the body were drawn. When the first drawing is finished, the subject is asked to draw a person of the opposite sex on another piece of paper of equal size.

The test is based on the presupposition that an individual will be forced to structure this situation, which is relatively unstructured, according to the unique dynamics of his personality, thus revealing essential data about himself/herself. It is assumed that both self-image and ideal image will be present to a certain extent in the drawings.

The interpretation of the test: a. general criteria, b. formal analysis, c. content analysis. An initial step in interpretation is to simply describe the drawing of the figures. Are they old or young, active or inactive, flexible or rigid, good looking or ugly, massive or small, happy or sad, normal or unusual, aggressive and dominant or passive. It is assumed that the perception of the body image through drawings implies the projection of personal emotion/feelings which unconsciously guide the subject in performing the test. Following this initial phase of the examination, the psychologist should concentrate on the four major areas of the drawings: a. head, b. hands, arms, shoulders, chest, c. trunk, d. legs, feet. The purpose here is to identify the conflict areas, exaggerations, omission, distortion. The interaction between the four body areas is essential. The discrepancies of interpretation between the areas must be resolved. At this point, the examiner takes into account the environment of the subject, his/her family structure, main grievances, the description of the figures, and spontaneous comments. The interpretations become more intricate as the details and their significance are observed and catalogued. The careful integration of the hypotheses in a complete picture of personality is absolutely necessary. This synthesis is the most difficult phase of examination and interpretation.

#### 4) *The Inventory of the Narcissistic Personality*

The narcissistic personality questionnaire (NPI) is an instrument widely used in social and psychological research to determine the degree of narcissism. The questionnaire is based on clinical criteria described in the third edition of DSM III. NPI is used to measure the relevant characteristic of all segments of the population, and is applicable in determining “normal” or “hidden” narcissism (those who passed the test with high scores, do not always fit the narcissism diagnosis).

#### 5) *The Interview*

Each patient was asked a series of questions referring to demographic data, somatic, psychic and social development as they relate to age, roles and life values.

### **The Results of the Research**

Compared to the two types of paranoid personalities, we can draw the following conclusions: the first patient is an inhibited, sensitive paranoid whose dominant traits are mostly manifest in his family life, his aggressiveness being mainly latent rather than manifest. He followed the recommended treatment to the letter, and related openly with the doctor.

By contrast, the second patient, is an incisive, rough and hostile person – despite some studied attempts at agreeability. His structure is also undermined by alcohol intoxication, so he behaves violently, aggressively and often sadistically in interpersonal relationships, thus maintaining a tense atmosphere in all his essential roles. He refused to follow the recommended treatment after being discharged from the clinic, and had a totally reticent and hostile attitude toward the medical personnel.

The first structural type is one which can often adapt in his interpersonal relationships, while the incisive paranoid is a permanent source of stress, hostility and aggression in his life roles and relationships with people around him. He lives a selfish emotionally isolated life, a destiny marked by inadaptability.

As we compare the two obsessive type personalities, we can assert that both variants are superficial and formal in their interpersonal relationships, but have different motivations. The

typical OCPD seems distant, strict and controlling, while the asthenic OCPD though more emotionally colourful, makes compromises in interpersonal relationships. Still, due to lack of self-confidence and ambivalent tendencies, the asthenic is constantly uneasy/awkward and unpredictable.

The typical obsessive is closest to the adaptative variant of structural obsessiveness. His perseverance and efficiency are in contrast with the lack of efficiency and perseverance of the ambivalent type under extreme conditions, the typical obsessive rallies and his strictness, perfectionism and sense of personal dignity are exacerbated, while the asthenic OCPD “collapses” and can reach a phase of diffusion of identity equivalent to depersonalization.

Both OC types live between rigor and ambiguity and constantly relate anxiously to life events and values as well as to the various essential roles.

The two female patients described in the case studies 5 and 6, prove to be disharmonic narcissistic types. The first is characterised by grandiosity, exalted behaviour, and most of the facets of spiritual openness, notably creativity and non-conformity. The need to be admired is obvious, but in the absence of it, the attitude is one of superiority and condescension. The second patient displays a more restrained feeling of grandeur, has a tense to be admired and anxiously anticipates receiving it. She is also much more thorough in organising her private life and is often cutting and hostile toward those who, she believes, do not recognise her qualities.

Both patients live a selfish life, are sensitive to envy, bear grudges, have a high sense of superiority and promote their own qualities, the first in a more ostentatious manner, the second in a more reserved but tensioned manner. Toward others, the first patient displays her non-conformity and superficiality, while the second is always anxious, living and processing intensely her relationships with others.

## **General Conclusions and Recommendations**

The first patients presented have a flawed ontogenesis of personality, lacking affective and attitudinal parental support. They are emotionally deficient, display high levels of frustration and stress, live in conflict within their families and have maladaptive behavioural life models.

The narcissistic patients have, to a large extent, a balanced ontogenesis of personality. On one hand, they had few negative life experiences or changes while at the same time, they felt gratified and empowered to an extent that favoured their egocentric personality structure. The same flawed environment present in the parental family is also found in the structure and dynamic of the patients’ family, as well as in their professional and social roles.

Overall, all six patients represent a major maladaptive model, in which egotism, disinhibition, boldness, lack of empathy and the inability to access moral values end up being a near-constant source of personal and collective suffering.

These disharmonious structures represent the most important component of the field on which various mental episodes and illnesses, from neurotic to psychotic intensity, can appear. They are always markers of a negative prognosis for the evolution of psychopathic disorders, and are equally a drawback as far as the duration and efficiency of the treatment strategies.

The various facets of the disharmonious traits may be shaped by an elevated cultural and intellectual level, by the coexistence of special talents or creativity, as well as the overall attitude of their social entourage.

While the diagnostic process of the three types of pathological personalities can be completed, any therapeutic attempt encounters specific difficulties. For example, the paranoid personality types are largely resistant to any type of intervention due to their Ego pathology and hypertrophic Super-Ego. The narcissistic and obsessive-compulsive personalities may be easier drawn into therapy while they display comorbid conditions such as depressive episodes with or

without suicidal ideation, states of anxiety or addiction which enhance their subjective discomfort.

Ultimately, the assessment and the approaches used with the three pathological personality types described here are contingent on the intensity and the length of the depersonalisation and lack of achievement that decisively mark each individual destiny.

## REFERENCES

- [1] Lăzărescu M., Nireştean A. (2007). Tulburările de personalitate. Ed.Polirom, Iaşi
- [2] Nireştean A. (sub.red). (2021). Narcisismul- între mit și realitate. Univeristy Press, Tg.Mureş
- [3] Van Luyn B., Akhtar S., Livesley V.J. (2007). Severe Personality Disorders. Cambridge University Press
- [4] Widiger T.A., Smith, G.T. (2008). Personality and Psychopatolgy, in John O.P., Robins R.W., Pervin L.A., (eds.) Handbook of personality, 743-769. The Guilford Press
- [5] Beck A.T., Freeman, A., Davis, D.D. (2015). Terapia cognitivă a tulburărilor de personalitate. The Guiford Press
- [6] Lăzărescu M., Ile, L. (2009). Tulburarea obsesiv-compulsivă, Circumsciire, modele și intervenții. Ed.Polirom
- [7] Kernberg O. (2014). Tulburările grave de personalitate: Strategii terapeutice. București, Ed.Trei
- [8] Popa C., Buicu G., Ardelean M., Buicu F., & Țărăn L. (2014). Terapia cognitivă și medicamentoasă a personalității obsesionale. Tg.Mureş, University Press
- [9] Sperry L. (2018). Tulburările de personalitate din DSM-5 -Evaluare, conceptualizare de caz și tratament. Ed.Trei
- [10]Prelipeanu D. (2011). Psihiatrie Clinică. Ed.Medicală
- [11]Tyrrer P., Mulder R., Crawford M., et al. (2010). Personality disorder: a new global perspective. World Psychiatry, 9, 1:96
- [12]Dumitrache S., D. (2013). Tulburările de personalitate – în clinică și cotidian. Ed.Sper, București.
- [13] Herpetz S, C. (2013). The social-cognitive basis of personality disorders. Commentary



# The Importance of Psychological Vulnerability in the Situation of a Psychological Co-Dependency between Twins

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## Abstract

The present article summarizes a continuation of the undergraduate work done 3 years ago. Following the discovered results, it was decided to continue the research, but this time only pairs of twins were considered. The twins were interviewed over several months, in order to better understand from what back-ground they came from, and their perceptions in the family context. A questionnaire formulated from the DSM-V criteria was used to find out the level of dependency that each participant could have. The interviews were taken into account along with the test results. It was concluded that there is a need to go deeper into the subject of co-dependency between them by using the T.A.T projective test. After the transcription of each interview and the application of the tests, multiple patterns and multiple factors that would influence this dependency of each other were found.

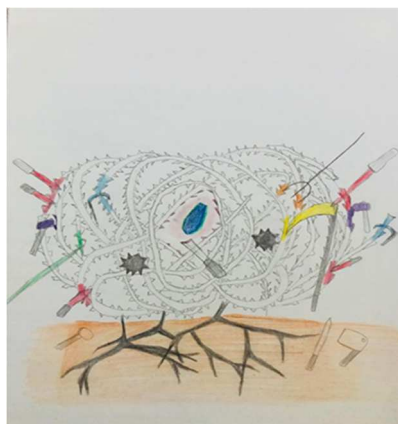
*Keywords: twins, co-dependency, projective, vulnerability, perception*

## Participants A and B – Discussion on Projective Test T.A.T

The most important aspect with this pair of twins is that, 3 years ago, the female was the one that had the highest score in aggression and in dependency but now the scores changed drastically.

In my bachelor thesis I asked her to tell me exactly what she saw in a blank page, which was “image 16” from T.A.T test. I added the blank page to examine what they could imagine in a situation like that. She asked me if she can draw something there, and so I let her do that, being easier for her to express what she actually saw in that image.

The image was very aggressive, full of dependency traits and a lot of trauma represented by weapons, thorns, and either very warm and cold colours. This time I decided to show the drawing and I asked her what she thought about it. I wanted to emphasize the change in herself/ her life:



**Fig. 1.** Projective test

A: *“Oh my god! I remember this. I was so sad and depressed back then. Don’t you think? That was not a good time for me. I was angry and lonely. My only escape were the moments that I used to share with B. But now I am so different. Like what this drawing even means? What is that red coffin in the middle? And why so many weapons? I only remember the feeling I had when I drew this. Anger. A lot of anger. I mean I am still angry on my parents but not like that. I learned how to accept change and that I do not need to take on me all their negativity and toxicity. And also, I do not need B do be happy and content with my life. He is my brother but I don’t need him to be content with myself. You know?”*

In T.A.T-OD [1] she got 11 points, which in comparison with the prior one from my bachelor thesis is actually really small. Back then, her score was of 18. It’s pretty clear that her dependency towards her brother decreased exponentially. Because of the circumstances of their parents’ divorce, she gained more self-esteem and self-love, and so her need to be near B decreased. She became more independent and more aware of her own psychological traumas. Working on herself without his help.

In T.A.T-AC [1] she got 6 points, in comparison to the score of 7 points, which means that again the score dropped. It may seem that these scores are not showing a big difference, but in reality, from her mental state and her emotional state we can draw as a logical conclusion that her aggressive tendencies dropped as well as the dependency showed 3 years ago. Her anger manipulated her dependency towards her twin, making her feel like she needed his presence for her own psychological balance.

In the meantime, B got also different scores. In T.A.T-OD [1] he scored 20 points and in T.A.T-AC [1] scored 11 points. In comparison to 3 years ago, his scores increased drastically. While his sister found a balance in her own psychological issues, he accumulated more aggressive traits and more dependency towards A. In the summer of 2019, he started going to therapy, which was abruptly interrupted.

In the image 16 from T.A.T test, 3 years ago, I observed a denial in this image, but I still could see the dependency and depression felt by him throughout his life. This subject prefers to link some of the subsequent images to image 16.

He used to describe a connection between image 10, image 12BG and image 13B, where in image 12BG it is known that normally the absence of the characters manages the feeling of loss/depression, making a connection with the other image 13B which involve the loneliness being linked of maternal symbolism and image 10 which shows a problem of psychic intensity. All this demonstrating his high level of dependency and at the same time vulnerability. This time, in image 16 he denies any of his past views about this image, negating all the abandonment, fear, dependency and aggressivity. [3]

While A was working on her aggressive tendencies, B started being more and more dependent to her and more aggressive towards himself and others. His perception of this trauma was deformed by his own anger and depression. His scores showed how different the perception of two individuals can be in the same environment in the same situation with the same trauma.

We also find abandonment and the fear of being alone in both siblings. These fears come from the departure of the mother abroad, leaving them with the father. A non-existent father in the T.A.T test images, or if not non-existent, then a bad, dangerous figure. They perceive the whole childhood as a source of abandonment, both by the mother and the father. The trauma that came after this abandonment, increased the aggressivity in one of them but in the same time decreased aggressivity for the other.

The two of them had a verry different outcome in both situations, from 3 years ago and in the recent time. Levels of dependency in this pair of twins changed in a 3 years period of time. In this case, because one of the twins worked with their emotional intelligence skills, while the other remains at the same level, negating the trauma and the aggressive tendencies that they might have, these levels changed drastically.

## Participants C and D – Discussion on Projective Teste T.A.T

The second pair of twins C and D have a different outcome. Their story is different and unique in the fact that C (female) is more dependent to D (male). The level of aggression is higher for D gaining the number of points in T.A.T-AC [1] of 10 and then C's T.A.T- AC [1] points being 8 in total.

In the T.A.T-OD [1], C got the higher points: 22, and then D got 19, but mostly from the negation of the dependency, the negation of depression and abandonment items from the pictures.

From the projective test T.A.T [3] I found that the relationship between D and the abusive/ alcoholic father is actually really complicated. D tries to have a relationship with him but in the same time he would feel like a traitor to C and their mother. He is negating his dependency towards his twin and so he keeps his distance from her, using any necessary tools that he can find in himself, even the guilt that is build inside from the relationship with the father. This negation of his dependency comes from the fear of being abandoned one more time from someone close to him.

This whole dynamic is really different from the one with C and their father. She explained that she does not want to have any relationship with the father and that for her is enough the family she already has. She does not feel any anger towards her twin, but because of the hard communication between the two, she cannot express these feelings to him, making this co-dependency almost non-existent between them.

The first person that abandoned them was the mother, when she left for work in another country. Being left to an alcoholic and abusive father, C gave herself the role of guardian or protector in this relationship. D needed C to get stronger and go through the process of healing and vice versa.

In one of the images from T.A.T, he is describing one of the many times when the father was abusive towards him. In the Image 13B, D is describing a situation in which he and his sister were thrown away from the house with a bag of clothes by their father. The abusive behaviour didn't stop there. Their father would often yell at them, even at a really young age, he would often get into aggressive behaviours with their mother in the twins' presence. From the image 13B he is projecting the case in which he would stay outside with his sister, waiting for someone to rescue them. In image 6BM he is projecting the relationship between C and their mother.

From the interviews conducted with C, there is a complicated relationship between her and the mother. Of course, D is projecting his part of this situation. He claims that he does not need to forgive his mother for the abandonment, and in the same time he is distancing himself from his twin. These complicated situations are perceived as confusing, and so the dynamic between D and C ends up being tense from one side and sad from the other side.

In the image 3BM from D's description, we can notice his aggressiveness. He is projecting his own depression, either in this right moment or past depression as a child. He is also describing his own anger because of the situations from the past but also because of the distance that he chose to have from his sister.

From this image I was also able to find an important detail: "*Maybe she left him and started crying*", this specific phrase showed me the abandonment from his mother but also from his sister. Even if he is negating this feeling of abandonment from her, he definitely projected the feeling in the image from T.A.T test, explaining all the anger and the confusion that was in the interviews towards of the relationship between the twins.

The twins looked for their own independence from a young age. They waited to be 18 years old, and they chose to distance from each other, by moving in different apartments, or even different cities. C chose to go to university, while D chose to live with his mother, pursuing police academy in Romania. He specified at some point in the interviews.

I concluded that D would negate the dependency from his sister because of the social pressure. Because in Romania twins are often seen as one person, in their childhood people around them would talk with them and behave with them like they were only one person. The perception of this issue for D and C was totally different from A and B in this situation. For C and D was frustrating but for A and B was a way to depend more and more of each other.

On the other hand, C's dependency towards her brother grew over the years, wanting to have a closer relationship. Her Answers from the T.A.T test were extremely different from her brother's, projecting the desire of a closer relationship to D, the dependency towards him, the pressure of protecting him even now, the depressing feelings towards this need that is unfulfilled, and the complicated relationship with the mother.

In the end, C uses picture 13B to show how lonely she feels without D's presence in her life, not only physical contact but emotional too. Because of the lack of closeness, her abandonment problem grew higher and higher, and in the same time feelings of neglect and sadness are overwhelming *"Here is a child in an empty house. In an empty place. I think he feels alone. It doesn't look so good. It is clear that it is neglected and forgotten. I think that the binding of his hands makes me think of a prayer, a desire for something better, a better future that he wants for himself. But he is small and alone. I feel so sorry for him when I look at the picture"*.

### **Participants E and F – Discussion on Projective Teste T.A.T**

In this case of the twins E and F, we can find an actual co-dependency behaviour that comes from both sides but combined with a sense of competition. E and F share the same gender, E being older with 15 minutes than F. In comparison with the other two pairs of twins, in this case the parents remain in a stable relationship, close to the boys, in the same time having an estranged father, how would occasionally drink. This detail is very important in the upcoming answers given in T.A.T projective test [3].

In the table T.A.T-OD [1] it showed a big difference in dependency points, E having 13 points and F having only 9. When the points were given for table T.A.T-AC [1], they both shared the same points results of 7, which means that aggressivity levels are not that high in results of their environment and similar life situations that they share.

In the interviews E would often express his sense of competition with F, by comparing himself with his twin in clothes, in interior design, games and especially fitness. From their childhood, their mother dressed them the same, their rooms would be identical, mirrored, with a common wall in between of them. They never stayed apart from each other more than a week, and they have the same friend group even now.

The relationship between E and his parents would be characterized by him as really good in the beginning of the interviews. But talking more and feeling more comfortable with me, he end-up crying because of the "disappointment" that he caused: *"I think he is sad that he disappointed his parents. Maybe he did not perform the way they wanted. He is so small to... maybe he is tired also"* (picture 1, T.A.T) [3].

This is the first time when he does not mention his brother. The disappointment that his parents allegedly felt, were perceived only towards him. In Image 3GF he actually projects all his feelings of depression, fear and confusion: *"He's crying alone... he's upset, he probably doesn't want to tell his parents the whole story and that's why he's waiting outside to finish crying, so that his parents don't ask him what happened. Hmmm... he may have had an accident, and it was probably the family car and now he doesn't know how to tell his father that he had an accident. It was probably his fault... or hers, I don't know if it's a boy or a girl. I think boy"*. The car that he describes in this image would be his "broken career" that the mother wanted for him. The pressure of being the way the parents want him to be, was truly higher than they could handle. Even with this co-dependent relationship, F would not share his own feelings about this

specific situation. Because of that, all the anger of E was internalised until I conducted the interviews with him, which made him ending up crying: *“I’m sorry...I just...it’s really hard for me to know and feel that I am a disappointment for them. They didn’t tell me this directly but I feel it. I know that now I have a career and I am independent financially from them but it’s really hard to accept that”*. The feeling of loneliness it’s portrayed only when F is not added in the same situation as him.

Image 3BM describes the same experience of the participant: *“It’s a woman crying on a couch. She seems to be a disappointed mother, because her child did not go to college, or maybe she cannot financially afford to keep her child in school”*.

In image 4 and image 7BM it can be observed that he projected once again a very clear image of his opinion about the emotional absent father.

We also can find the responsibility of the older sibling towards F, even if it’s only of 15 minutes between them, he felt the need to protect his brother. Having the same feelings, they decided to move together in the same apartment at the age of 22. When asked why they chose to move together he answered *“Is better for the both of us. This way we are all the time together. We go to the gym together, we work in the same place, we have lunch together and we go out together. We have a special relationship, maybe because we are twins but I can’t see myself living in a different place than him at this moment”*. The same answer was given to me by F. Every time they mentioned the other twin a sense of calmness was given to me.

The best image that projected this situation is 7BM, in which he stated: *“I see a child holding a child...or not...it’s a doll in her arms. She is too young to have a child in her arms. He wants to play with the child or doll”*. We can observe here the pressure of being responsible but also the realization that a child should not take on the role of protector at such a young age.

In the end E was very clear of his need for the presence of the other sibling, converting an uncomfortable situation in a good one only by the presence of F *“I would stay here and play my music on and that’s it. But I wouldn’t stay alone, maybe share this time with F ... that would be scary with all the empty vibe”*. In the F’s case, there was a negation of all the negative feelings toward himself, his brother or his family. He also considers himself being the “pillar” for his brother. The interesting aspect in their relationship is the co-feeling of protecting each other and being the guardian of each other. The responsibility was taken by the both of them.

F doesn’t consider himself being so different than his brother, having the same clothes, the same design room, the same friends and work place. For him, E is a safe place, the normality of being together at all times makes him feel good about himself and safer in the world.

When asked if there was a situation when he would leave his brother or vice versa for a longer period of time, he immediately denied any possibility of being in that situation, showing a very tense and uncomfortable body language.

In picture 3GF he gave me mostly the same answer as his twins, showing that they even share the same perception of their family situation: *“A girl who has just been scolded by someone and is just going out the door. She was scolded by her parents... by her father. Probably because of the grades. I think she is sad”*. In picture 4 they also share almost the same answer: *“It seems that there are two people together, in a bar. The woman is holding him... it seems that he got into a fight with another man and the woman is pulling him not to go”*. In the picture 7BM we can find once again a projection of the same feeling of protectiveness towards the other sibling in the same manner as his twin: *“So it’s a little girl with a baby in her arms, and I think the woman on the left is reading a book. They look cramped... I think the girl is trying to put the child to sleep and the woman is trying to read him a story to make the child fall asleep more easily. I think the child is the girl’s younger sister. I think the girl is protective of her sister. That’s the big sister’s job, to protect her. That woman is their grandmother”*. At the same time, we can see his own awareness of his brother’s role, the older sibling, the protector. In the end of all the interviews, all the T.A.T tests [3] that were applied, this pair of

twins had the biggest impact on this thesis, showing a true co-dependent situation. Their lives are so much more positive than the other two cases, in which the fear of abandonment would interfere with the dependency between the twins.

## **REFERENCES**

- [1] Huprich 2008(T.A.T-OD), Masling 1967 and Huprich 2004 (T.A.T-AC) [1]
- [2] DSM-5 “Diagnostic Manual and Statistical Classification of Mental Disorders”, American Psychiatric Association, Callisto (2016) [2]
- [3] E. Aronow, K.A.Weiss, M. Reznikoff A Practical Guide to the Thematic Apperception Test: The TAT in Clinical Practice (2001) [3]

## The Brain - Intestine Symbiosis

### “A Symbiotic Relationship between the Brain and the Intestines, Which Precedes Any Other Relational Connection”

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#### Abstract

The gut microbiome is involved in the aetiology of many diseases. For example, obesity has been directly linked to the gut microbiota. In addition, there is increasing evidence that an altered gut microbiota is associated with autism and neurodegenerative diseases such as Parkinson's disease, dementia, depression. The gut-brain axis is a bidirectional communication between the central nervous system and the enteric system, linking the emotional and cognitive centres of the brain with peripheral gut functions.

*Keywords: gut brain axis, diet, microbiome, dysbiosis, symbiotic relationship, cognitive, autism, mitochondria.*

#### What Is the Microbiota?

The human microbiota is a real ecosystem realized by our evolutionary nature that has combined the best biological mechanisms by assimilating them into a superorganism-Man.

Already known that we actually live in an ocean of microorganisms, the human body contains about 37 trillion cells.

Microbes are found throughout the human body, mainly on external and internal surfaces, including the gastrointestinal tract, skin, saliva, oral and conjunctival mucosa.

The term microbiome encompasses all organisms that are in an environment along with all their genetic information-DNA.

Bacterial cells housed in the human gastrointestinal tract exceed the number of host cells. These microbes associated with the human digestive tract are called the intestinal microbiome. The human intestinal microbiome and its role in both health and disease has been the subject of extensive research, establishing its involvement in human metabolism, nutrition, physiology and immune function.

In other words, *we are more bacteria than humans*, if we compare the 22,000 genes that encode proteins in the human body versus the 2.5 million genes that are found in the human microbiome.

The intestinal microbiota performs many important functions for the host, such as digestion of nutrients, maturation of the host's immune system, maintenance of the integrity of the epithelial cell layer and protection from pathogens.

The human gut microbiome is dominated by two phylotypes of bacteria, respectively - Bacteroidetes and Firmicutes - which account for more than 90% of the detected phylotypes. The concept of three enterotypes that allow the stratification of human individuals according to the composition of their intestinal microbiome has been proposed.

## **Implications of the Microbiome with Human Health**

The intestinal microbiome is involved in the etiology of many diseases. For example, obesity was directly related to the intestinal microbiota. The epidemic of obesity is partly caused by the diet rich in sugar and fat consumed in developed countries; it is known that this diet affects the composition of the intestinal microbiota. In addition, there is growing evidence that an altered intestinal microbiota is associated with autism and neurodegenerative diseases such as Parkinson's disease, dementia, depression.

The intestinal microbiota plays a central role in regulating the metabolism of the host, and also guides the development and proper functioning of the immune system.

## **The Relationship Between the Gut and the Brain**

The gut-brain axis (AIC) consists of a two-way communication between the central and enteric nervous systems, connecting the emotional and cognitive centres of the brain with peripheral intestinal functions. Recent advances in research have described the importance of the gut microbiota in influencing these interactions.

This interaction between the microbiota and the AIC appears to be *bidirectional*, namely through signalling from the intestinal microbiota to the brain and from the brain to the intestinal microbiota through neural, endocrine, immune and humoral connections. In this review, we summarize the available evidence that supports the existence of these interactions, as well as the possible pathophysiological mechanisms involved. In clinical practice, evidence of microbiota-Gut Brain Axis interactions comes from the association of dysbiosis with central nervous disorders (e.g., autism, anxious-depressive behaviours) and functional gastrointestinal disorders. In particular, irritable bowel syndrome can be considered an example of disruption of these complex relationships, and a better understanding of these changes could provide new targeted therapies.

Research indicates a possible link between autistic spectrum disorder (ASD) and the intestinal microbiota, as many autistic children have concomitant gastrointestinal problems. Various altered levels of metabolites have been observed in the blood and urine of autistic children, many of which are of bacterial origin, such as short-chain fatty acids (SCFA), indoles and lipopolysaccharides (LPS). A less integrative intestinal-blood barrier is abundant in autistic people. This explains the outflow of bacterial metabolites in patients, triggering new body responses or an altered metabolism. Other co-current symptoms have also been detected, such as *mitochondrial dysfunction*, oxidative stress in cells, alteration of tight junctions in the blood-brain barrier, and structural changes in the cortex, hippocampus, amygdala and cerebellum.

## **What Role Do Mitochondria Play with the Human Microbiome?**

A link to call it indirect, but recent studies have shown that mitochondria evolved from an endosymbiotic alphaproteobacterium (violet) in a host cell derived from the archaea, which was most closely related to the Archaea Asgard (green). The earliest ancestor of the mitochondria (which is also not an ancestor of an existing alphaproteobacterium) is the pre-mitochondrial alphaproteobacterium. The transition from endosymbiotic bacterium to permanent organs involved a massive number of evolutionary changes.

So, we can say that mitochondria is a kind of parasite taken over by the host, from which through a natural evolutionary incorporation both primordial organisms have benefited, one survived by evolving through specialization of energy production and finally, we humans, benefited from this energy factory to become more connected to the external environment. by



internalizing pieces of nature to become more adapted. In the end we are nothing more than the sum of some pieces of the puzzle that architecturally ended up functioning like a Swiss clock.

There is a growing interest in microbiome engineering for microbiota modelling. Currently, there are several microbiota manipulation strategies that can be classified as additive, subtractive or modulatory. An additive therapy involves adding specific strains or communities to the host microbiota. These strains or communities can be natural or artificial microorganisms. *Subtractive therapy* refers to a therapy by which certain strains must be eliminated or the production of certain metabolites should be reduced in order to improve or cure a disease. A *modulating therapy* involves probiotics and/or prebiotics that modulate the composition of the endogenous microbiome.

One therapy that has gained a lot of attention over the years is *fecal microbiota transplantation* (FMT). This method restores the gut microbiome by transplanting stool from a healthy donor into the gastrointestinal tract of the microbiome associated with the disease. FMT is based on established microbial communities from healthy donors, a refined approach to transplantation can be obtained through the design of *synthetic communities*. These synthetic communities could replicate the same functions as the natural communities that are present in healthy donors.

*The first generation* of microbiome therapies consisted of prebiotics and probiotics. Prebiotics are indigestible foods that are degraded by intestinal bacteria. Most prebiotics consist of carbohydrates such as *fructus, starches and oligosaccharides*. Fermentation of these prebiotics results in the production of short-chain fatty acids, which can have multiple effects on the human body.

It has been widely reported that the consumption of the modern Western diet containing less fiber and vegetables has tended to lead to the *loss* of important microbial species in western (urban) communities. In rural communities, diets have a strong impact on the microbial diversity of individuals in different populations.

### **Nutritional Dietary Impact on the Brain-Gut Axis**

The importance of food diversity, seasonal food rotation is, the use of naturally grown foods in organic regime, intermittent fasting, consumption of naturally fermented foods -probiotics, consumption of fiber with a prebiotic role, avoidance of highly processed foods, avoidance of artificial additives with various food colorings, etc., - all have been shown to have a role in maintaining the diversity of the microbiota at the optimum level for human health, in restoring the eubiotic flora, restoring the intestinal barrier, preventing gastrointestinal infections and even in reducing the risks of chronic, metabolic or neurodegeneration-related diseases.

### **Conclusions**

The individual's integrase can be viewed through the interdependence of the external nature that is intimately found within human macro-organizationism. This gives us a reflection on the future of *integrative medicine* that will look at the human body as an extension of the entire external ecosystem and that will promote *the prevention* of many pathologies by maintaining the integrity of the intestinal microbiota.

A symbiotic relationship between the brain and the intestines, which precedes any other relational bond that has endured for millennia, is going through a difficult trial in this century: an attempt at rupture, a dysbiosis of symbiosis both between them and between them and the human host. This would result in a modern man with many brain health and behavior problems, leaving the medical world in a limited therapeutic derision.

The next time you choose to consume some foods that are not friendly to your microorganisms, think about what *ecological disaster* it can cause on the tireless workers who live with you in a perfect symbiotic relationship of friendship, since the primordial beginnings of life on earth.

## REFERENCES

- [1] Eva Bianconi, Allison Piovesan, Federica Facchin, Alina Beraudi, Raffaella Casadei, Flavia Frabetti et al. An estimation of the number of cells in the human body, *Annals of Human Biology*, 40:6, 463–471, DOI: [10.3109/03014460.2013.807878](https://doi.org/10.3109/03014460.2013.807878).
- [2] Ron Sender, Shai Fuchs, and Ron Milo. Revised Estimates for the Number of Human and Bacteria Cells in the Body, *PLoS Biol.* 2016 Aug; 14(8): e1002533. Published online 2016 Aug 19. doi: [10.1371/journal.pbio.1002533](https://doi.org/10.1371/journal.pbio.1002533).
- [3] Steven L. Salzberg. *Open questions: How many genes do we have?* Disponibil la <https://bmcbiol.biomedcentral.com/articles/10.1186/s12915-018-0564-x> [Data accesare 29 aprilie 2022].
- [4] Adrian Cătinean. *Microbiomul Intestinal-Secretul Sănătății*, Cluj, ed. Clusium, 2019.
- [5] Matthew J. Bull, BSc, PhD și Nigel T. Plummer, PhD. *Part 1: The Human Gut Microbiome in Health and Disease*. Disponibil la <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4566439/> [Data accesare 29 aprilie 2022].
- [6] Almut Heinken. Systems biology of host–microbe metabolomics, *Wiley Interdiscip Rev Syst Biol Med.* 2015 Jul-Aug; 7(4): 195–219. Published online 2015 Apr 30. doi: [10.1002/wsbm.1301](https://doi.org/10.1002/wsbm.1301).
- [7] William F. Martin, Ph.D. Institute for Botany, University of Dusseldorf & Marek Mentel, The Origin of Mitochondria. *Nature Education* 3(9):58.
- [8] Andrew J. Roger, Sergio A. Muñoz-Gómez, Ryoma Kamikawa. *The Origin and Diversification of Mitochondria* Disponibil la [https://www.cell.com/current-biology/fulltext/S0960-9822\(17\)31179-X#:~:text=Mitochondria%20evolved%20from%20an%20endosymbiotic,is%20the%20pre%20mitochondrial%20alphaproteobacterium](https://www.cell.com/current-biology/fulltext/S0960-9822(17)31179-X#:~:text=Mitochondria%20evolved%20from%20an%20endosymbiotic,is%20the%20pre%20mitochondrial%20alphaproteobacterium) [Data accesare 29 aprilie 2022].
- [9] Aleksandra Sędzikowska and Leszek Szablewski. Human Gut Microbiota in Health and Selected Cancers. *Int J Mol Sci.* 2021 Dec; 22(24): 13440. Published online 2021 Dec 14. doi: [10.3390/ijms222413440](https://doi.org/10.3390/ijms222413440).
- [10] Bouchra Ezzamouri, Saeed Shoaie, and Rodrigo Ledesma-Amaro. Synergies of Systems Biology and Synthetic Biology in Human Microbiome Studies. *Front Microbiol.* 2021; 12: 681982. Published online 2021 Aug 31. doi: [10.3389/fmicb.2021.681982](https://doi.org/10.3389/fmicb.2021.681982).
- [11] Louis Valiquette, Kevin B Laupland. Something old, something new, something borrowed. *Can J Infect Dis Med Microbiol.* 2013 Summer; 24(2): 63–64. doi: [10.1155/2013/514130](https://doi.org/10.1155/2013/514130).
- [12] *The Microbiome*. Available at <https://www.hsph.harvard.edu/nutritionsource/microbiome/#:~:text=In%20addition%20to%20family%20genes,of%20microbiota%20in%20the%20intestines.> [Date of access 29 April 2022].
- [13] Shahid Riaz, Rajokaa Junling, Shia Hafiza Mahreen et al. Interaction between diet composition and gut microbiota and its impact on gastrointestinal tract health. *Food Science and Human Wellness* Volume 6, Issue 3, September 2017, Pages 121–130.
- [14] Xing Yu, Robert F. Schwabe. The gut microbiome and liver cancer: mechanisms and clinical translation. *Nat Rev Gastroenterol Hepatol.* 2017 Sep; 14(9): 527–539. Published online 2017 Jul 5. doi: [10.1038/nrgastro.2017.72](https://doi.org/10.1038/nrgastro.2017.72).
- [15] Jenny Jing Li, Mojun Zhu, Purna C. Kashyap, Nicholas Chia, Nguyen H. Tran et al. The role of microbiome in pancreatic cancer. *Cancer Metastasis Rev.* 2021; 40(3): 777–789. Published online 2021 Aug 28. doi: [10.1007/s10555-021-09982-2](https://doi.org/10.1007/s10555-021-09982-2).
- [16] Viața medicală, Editura MedicHub Media, Bucharest, 2022, pag. 17–21
- [17] <https://www.mdpi.com/1422-0067/20/9/2115>
- [18] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4367209/>

# Reducing the Anxiety of Testing of High School Students by Using the Didactic Method of “Simulated Undertaking”

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## Abstract

Test anxiety is considered a problem among other forms of anxiety to which students struggle nowadays during school activity evaluation and is described through a series of *negative cognitions* related to results, personal abilities, or situations of adaptations or intensification of the activity of the autonomic nervous system, which some students show before, during or after an *evaluation situation*, oral or written, semestrial evaluation, exam.

Students with a high-test anxiety are concerned regarding their own capacities, self-depreciation, negative emotions, preconceived negative ideas regarding self-evaluation, feeling of low self-esteem, they act to avoid evaluation situations. Students with a high level of stress during evaluation situations, show a tendency to be nervous and worried related to a possible failure, which focus the attention on oneself *instead of solving the tasks* involved in the test or exam.

Therefore, we made a cross-sectional-research after applying a new teaching method in didactic methodology - *Simulated Enterprise Teaching Method*, in which we emphasized several aspects correlated with test anxiety at English language discipline. We used classical teaching and evaluation methods. We applied four questionnaires to the students, where we quantified to what extent *Tests are perceived as threats*, at English language discipline compared to French language discipline. We applied the *Test Anxiety Inventory* for both disciplines. Because test anxiety has a dependency relationship with *School self-efficacy*, we aimed to identify the students' attitude regarding several learning activities during class, both for English language discipline and French language discipline. We discovered the extent in which students developed study skills and abilities at both disciplines, using a questionnaire named *Study habits and skills*. A relationship between test anxiety, self-efficacy and study habits and skills was necessary to be defined. The results obtained due to the usage of *Simulated Enterprise Teaching Method* are useful in an attempt to reduce test anxiety in other disciplines as well.

*Keywords: Simulated Enterprise Teaching Method, test-anxiety, evaluation method, self-efficacy, study habits and skills, tests perceive as threats*

## Introduction

This paper aims to identify to what extent the use of the teaching method of *the simulated enterprise* can meet the student's need to acquire the competences necessary to learn a foreign language (general speaking, listening, reading, writing skills together with all other specific competences) but the methodical-didactic focus to be on management and reducing anxiety about testing in high school students. This anxiety about testing, as presented in the paper, has adjacent implications in the learning process - assimilation of information, in school self-efficacy and in the creation of study habits and skills. The anxiety about testing arrives at the

age of adolescence- along with other contributing factors - to be a snowball of anxious states that prevent the young man, and so disturbed by all the changes he transits, in studying with detachment from these emotions and enjoying what the universe of knowledge of high school life offers him.

The challenges that the young man becomes acquainted with in the way of discovering new information, activities, self-knowledge, creating new skills and abilities, forming character traits are received with greater joy and enthusiasm when feelings of restraint, emotiveness or fear of novelty do not turn into states of anxiety.

### **Theoretical aspects**

Anxiety is a natural feeling. Each person has a higher or lower degree of anxiety in the face of situations a certain risk: when we are before an exam, before speaking in front of a meeting, etc. Those with a lower degree of anxiety prepare better for the difficult event of the assessment and will do everything to get to accomplish the task successfully. They seek to prevent the risk of losing control of the situation. People with a higher degree of anxiety avoid events that create their sense of fear, situations that they consider – most of the time unduly – too heavy, because these circumstances would be the cause of too much worry. To be able to create a positive motivation requires a minimum dose of anxiety that mobilizes the person to perform the tasks successfully. *“Such anxiety does not paralyze human activity, but mobilizes it. This anxiety is called constructive. The essential peculiarity of constructive anxiety is the ability to analyze anxious situations in a quiet state, without panic, solving situations and planning one's own actions.”* (Ala Lozan, 2009, p.41)

Anxiety can be a “normal” emotional reaction, when it is determined by appropriate circumstances such as the objective presence of a danger, threat, frustration, etc. Anxiety acquires a character of abnormality when the degree of intensity is too high in relation to *the real danger*, which normally does not cause fear. In order to establish the line of delimitation between *normal anxiety and pathological anxiety*, an objective assessment of the intensity of the disorders is needed, but also of the situations in which they occur, of specifying their acute or chronic character, but also of the degree of tolerance of the individual towards emotional disorders. (Brujbu I. C., Macovei L., & Doboş I. E., 2014, p.57)

The course of the development of anxiety can be an ascending one. There is research that supports the idea that anxiety that started in childhood and adolescence often manifests itself in adulthood as well. It is very important to intervene early in case of anxiety in children and adolescents for the proper functioning of later adults. Anxiety not treated in time can intensify and will be present as a clinical manifestation and can be a condition for the appearance of depression (Aurelia Drăghici, 2013, p.127)

### **Research Methodology**

Since the beginning of the first semester of the classes I teach at the High School, during the initial test in English, I noticed in the students a fear of testing, a fear that was amplified during the class. This fear was manifested in questions that the students asked with concern about the assessment they were going to carry out: about the content of the test, the way of grading, whether the grades would be listed in the catalogue, etc. From the desire to get to know students in order to discover their needs, we have learned that there are students among them who present certain physical sensations of malaise, nausea, headaches and even vomiting when they are in an assessment situation. So, we identified an anxiety about the testing of the students and a need of theirs to be evaluated in a way that they would not perceive with fear, worry, fear, anxiety.

In order to create an atmosphere of well-being, enthusiasm, joy in the English language class, we used a new method in the didactic methodology of teaching the English language discipline, namely *the Simulated Enterprise*. The whole class was an enterprise with six departments in which all the students were assimilated. We started with elements of drawing up a CV, conducting interviews for all employees, presenting tasks for each department, carrying out projects. As the undertaking was accomplished, the students became confident, eager to expose and support their own ideas in carrying out the tasks offered. The students carried out projects that they presented to their colleagues from the other departments, nominating within the *social enterprise* the best Christmas project, the best Easter activity, the best presentation of a city visited. The fulfilment of these tasks and the presentation of the projects constituted the evaluation without feelings of fear, restraint, emotional distress, concern of the students.

By using this method of teaching and evaluation, we aimed for the students to acquire English language learning competences, and by creating a state of well-being within the class they developed more complex skills: to support their own ideas, to manage in a very real way some conflict situations arising within the departments, to develop some leadership qualities of the department managers, documentation for the preparation of projects, selection of the best ideas, etc. In this way, the evaluation became a time expected by each group, in order to present the projects to the colleagues and to wait for their appreciation and validation from them. Based on the application of this new method in the didactic methodology, we conducted a cross-sectional-research in which we considered some aspects correlated with the testing anxiety in English and French – a discipline in which the classical methods of teaching and evaluation were used. We applied to the students four questionnaires in which we quantified to what extent *the Tests are Perceived as Threat* (TPA) in English parallel to the French language, we applied *the Test Assessment Inventory* (IAT) for both subjects. Since testing anxiety has an additive relationship with *School Self-Efficacy* (EFS) I sought to identify students' attitudes regarding certain classroom activities in English and the same for French. To what extent the students have created *their Study Habits and Skills* (ABS) in English and French I discovered with the help of the questionnaire of the same name. The questionnaires applied helped to quantify the results obtained from the use of the Simulated Enterprise method, in order to be able to give them identity and use them in an attempt to reduce testing anxiety in other disciplines as well.

Regarding the use of this new method of teaching-learning-evaluation of a subject, I could make some observations about the students' attitude towards this method. At first the students had an attitude of distrust, then restraint, partial non-acceptance, a cumbersome mobilization, and then followed the acceptance of the tasks and the attempt to carry them out. In order to be able to pass the stages of the students' states to this new method, it was necessary to introduce some classical elements in the teaching – the consolidation of knowledge. As the course progressed and the students got used to the social enterprise and the activities they had to perform, the element of impatience, enthusiasm, the desire to discover the new intervened, almost every hour. In order to create an even stronger motivation, if it was still necessary, towards the end of the course we introduced the reward element of the employees, namely the salary. Depending on the outputs, each employee was calculated the remuneration that was directly proportional to the grade obtained in the evaluations.

This new method of teaching, in order to be effective, is carried out gradually. Students require a time of acceptance and getting used to this method, longer or shorter, depending on their availability and openness to the new. The helpful element was that the students started a new cycle of education and this new method could also be perceived as a given of the element of the new. Adapting to all these changes, moods, feelings that students go through, has an impact on their performance.

## **Research Objectives**

The objectives of this research are: to establish its relationship of association between study skills, school self-efficacy and anxiety towards testing; highlighting the differences between French and English, from the point of view of teaching - learning - evaluation methods, in the manifestation of anxiety towards testing.

Articulated around the need to manage this anxiety towards testing, the objectives of this research guide the content of the analytical approach and inspire the structure of the work.

## **Research Hypotheses**

The effect of anxiety towards testing on a psychological level interferes negatively with the processes involved in the assimilation and updating of knowledge and with the efforts to concentrate attention in the tasks of the test or exam that the student takes, leading to poor results, dissatisfaction and impairment of self-esteem. Therefore, it is important to identify this anxiety towards testing situations and to reduce the factors that contribute to it.

The present paper is focused on the following research hypotheses: a) those students who have acquired study skills and a higher degree of school self-efficacy present an anxiety towards lower testing, b) the simulated enterprise method we believe is superior to traditional methods of teaching in high school education, due to the reduction of anxiety towards testing of students.

## **Sample of Subjects/Main Demographic Data**

The participants in this study are the students of the IX grade, a real profile, of the “Samuil Micu” Sărmașu High School, in Mures County, Romania, numbering 22-16 girls and 6 boys – aged between 15 years (16 students) and 16 years old (6 students). Investigative tools were applied to students for two subjects: English and French. The students responded to the items of the instruments during the school program. The administration of the instruments was done collectively in the class to which the students belong. The responses were anonymous. Participants were asked to indicate only their gender, age and school grade.

## **Instruments**

### ***Tests Perceived as a Threat (Jerrell Cassidy, 2004)***

This questionnaire attempts to determine the level of testing anxiety that is based on auto-critical thinking, irrelevant thoughts or worry, which influences the results of the test. The interference of these thoughts, concerns and concerns is not limited to the period of time during which a student is evaluated. It is desired to identify these interfering thoughts that occurs before and during the test, how they affect the preparation, knowledge and conceptual understanding of the content and to what extent they lead to a possible failure in future evaluation tasks.

### ***Inventory for Assessing Anxiety Towards Testing – Parallel form IAT-III (Robu, 2009b, 2011)***

The IAT tool was built and developed to measure individual reactions regarding the predisposition to anxiety that can manifest itself in various test situations. In addition to measuring these individual reactions regarding anxiety in various test situations, the scales of this inventory allow the evaluation of two components of anxiety, which were described by R. M. Liebert and L. W. Morris (1967): *Emotiveness* – the negative emotional reactions that occur

before, during or after confrontation with an evaluation situation, respectively *Concern* – the turmoil of some obsessive ideas regarding a possible failure, which affects the efforts of the subject to focus on the evaluation task

### ***School Self-Efficacy (Sachitra, Bandura, 2017)***

Self-efficacy refers to a particular situation, in our case it is about learning activities in the classroom; beliefs in a particular field can affect beliefs in other areas. Following this model, the simultaneous reduction of school self-efficacy can influence beliefs about social and emotional self-efficacy. If the student is confident in his own abilities, namely that he can successfully cope with the tasks in the class, this fact influences confidence in emotional and social self-efficacy. Increasing school self-efficacy can act as a factor of resistance to lessening the symptoms of testing anxiety and even depression.

### ***Study Habits and Skills (Jerrell Cassady, 2004)***

This questionnaire aims to examine the effects of cognitive test anxiety on students' memory in evaluation situations without external pressure. Cognitive processing tasks performed by most students who are in preparation for the tests include reading the text materials presented, trying to extract meaningful information from those readings, organizing and storing the content, and subsequently retrieving the information when necessary.

## **Results**

### Descriptive statistics

**Table 1.** Descriptive statistics

Applied tests	N	Media		Standard deviation	
		French	English	French	English
TPA	22	48.5	45.6	6.9	10.2
IAT	22	65	44.4	15.3	14.9
AFS	22	64	64.1	13.9	13.2
ABS	22	51.1	54.4	7.9	7.8

The comparison between the French and English averages is presented through descriptive statistics. The tests are perceived as a threat by students in French (48.5%) more than in English (45.6%). Anxiety about testing in French (65%) is higher than in English (44.4%). Students seem to be confident in their own school effectiveness in both subjects, so they are reassured about certain activities they carry out in the classroom in both subjects. Regarding the study skills and habits, there is an increase in English (54.4%) compared to French (51.1). The students formed their skills and habits of study within the English language class through a number of teaching methods, the *simulated enterprise*.

## **Conclusions**

As a result of the research, we carried out we discovered that there is a relationship between study skills and habits, school self-efficacy and testing anxiety: where habits were formed and study skills and students show certain positive attitudes of approach to teaching and receiving knowledge, activities, decreased testing anxiety, fact which confirms the first research

hypothesis. The research shows that students have formed their study habits and skills by using the method *insimulated* English-language curriculums and at the same time indicates less anxiety about testing.

The methods of teaching the subject are different in English than in French. In English, the subject is taught through a completely new method in the didactic methodology, *the method insimulated planers*, presented during the paper, and the language French is taught by classical methods combined with modern elements. The methods of evaluation in English are carried out by following the activities throughout the semester, but also on the basis of the presentation of projects, so that the students do not perceive these activities and tasks as evaluative ones. In French, the evaluation is done through written tests and oral evaluation. These methods of teaching and evaluating English have led to less anxiety about testing than in French, so the second hypothesis is confirmed.

This research makes a contribution in the field of anxiety about testing, namely *its reduction* through the use of *new methods of teaching and evaluation*, methods designed to create students' learning habits and skills, that increase school self-efficacy, to create more complex competences, in addition to those related to learning a foreign language, such as: socio-emotional competences, socialization, organization, management of conflict situations, selection of the most relevant information, development of critical thinking, development of leadership skills. These skills give students added value in their future school activities but also in their daily lives. The attempt to form critical thinking, leadership skills, to manage conflict situations that arose during the activities, took the students out of their comfort zone and valued them, so that they discovered each other, they discovered themselves resources that they did not know they possessed. Being freed from the evaluation, they became ready to perform the tasks offered for resolution, with more relaxation and creativity. This new method of teaching and evaluation was applied to students, and as a result of the research it proved effective in reducing anxiety towards testing.

## REFERENCES

- [1] Ala Lozan (2009) - Normal anxiety and malady anxiety in students, Psychocorrection and Psychotherapy, Psychology, p.40-47
- [2] Brujbu I. C., Macovei L., & Doboş I. E. (2014). Normal and pathological anxiety/Anxietatea normală și patologică, Bulletin of Integrative Psychiatry, p. 53-82
- [3] Aurelia Drăghici (2013) – Anxiety. General framework for the analysis of the pathological phenomenon and of normal emotional mood, p.127-129
- [4] Viorel Robu (2014) – Anxiety in testing situations among adolescents: Data obtained in a group of high school students, p.81-97
- [5] Jerrell Cassady (2004) - The Impact of Cognitive Test Anxiety on Text Comprehension and Recall in the Absence of External Evaluative Pressure, Ball State University, Muncie, IN, USA, p.3-17
- [6] Jerrell Cassady (2004) – Learning and instruction 14, Ball State University, Muncie, IN, USA p.1-24
- [7] Vilani Sachitra, Udari Bandara (2017) - Measuring the Academic Self-Efficacy of Undergraduates: The Role of Gender and Academic Year Experience, World Academy of Science, Engineering and Technology, Vol:11, No:11, p. 1-7



# The Use of ABA Therapy in the Therapy of Language Disorders Among Children with Autism Spectrum Disorder (ASD)

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## **Abstract**

*In this research we monitored the 6-month evolution of 5 subjects, who were evaluated before and after an intervention using Applied Behavioral Therapy (ABA), our main area of interest being the development and therapy of language. We compared the participants' results on the dimensions of language-communication, using the Portage assessment scale for psychomotor development, used in this research to evaluate the validity of our hypothesis. The results obtained by our subjects emphasized an increase in social relations, the development of language, abilities of self-service, cognitive behavior and motor behavior. To clearly substantiate the positive impact and visible progress in the lives of our subjects, we relied on the use of individual studies.*

*Key words: autism, language disorders, ABA therapy.*

## **Main Characteristics of Autism Spectrum Disorder**

One of the main characteristics of autism spectrum disorder is the delay in the acquisition of language. The process of language acquisition, by its delayed nature, differs in children with ASD compared to their typical counterparts, their process of obtaining language not seeming to rely on active participation and needing support in this process. Only about half of children with autism acquire language until adulthood, and linguistic levels remain much lower compared to typical people.

When it comes to autistic children, the apparition of language itself is much delayed and rarely does it have a communicative function. Studies show that approximatively 50% of people with autism do not obtain verbal communication, and those who do are defined by a severe verbal deficit, difficulties in understanding speech, as well as difficulties in the perception and output of speech, pronoun inversion and metaphoric speech. Occasionally, to obtain a foreseeable reaction from others, people with autism ask questions anticipating a certain word or phrase in the answer, thus forming wordplays. Although they constantly have the chance of spontaneous and correct language use, they are unable to elaborate a communication system, be it even rudimentary. Despite the ability to identically reproduce others' speech, autistic children rarely use speech itself in scope of communication. Thus, they need to be taught that speech, indication, gestures, written words and images can constitute a way to make their wishes and needs known and satisfied.

According to DSM-5 [1] diagnostic criteria, ASD is defined as an accumulation of the following:

- a persistent deficit in communication and social interaction, in various contexts and environments (deteriorated socio-emotional reciprocity, deficits in verbal or non-verbal communication behaviors used in social interactions, deteriorated processing of interpersonal relationships).

- the existence of behavioral, interest- or activity-based patterns, of restrictive or repetitive nature (stereotypes – motor movements or the use of objects with the purpose of stimulation; extreme attachment to routine or extreme resistance to change; limited interests, abnormal in intensity; unusual interest regarding the sensory aspects of the environment).

- symptoms must be present in the early developmental period
- symptoms must cause significant impairment in social, occupational or any other areas of major importance to daily functioning.

## **Language and Communication**

Theories based in biology claim that the development of language depends on the process of brain maturation, which is influenced by biological factors, while theories of behaviorism consider language as a vocal behavior on account of external influences.

“Language represents an exclusively human function, as demonstrated by the fruitless efforts of teaching monkeys the use of language, even in the form of gestures. Language relies on specific structures in the human brain, and the selective response to human speech, identified as early as birth, supports the conclusion that language is an ability specific to our species, due to biological influences.” [2]

“Communication is realized as a psychosocial interaction, through which subjects exchange messages, attain specific objectives, direct and control a person or group’s activity, influence each other and anticipate answer reactions in the form of feed-back.” [3]

## **The Method of Autism Spectrum Disorder Intervention Used**

“The applied analysis of behavior is the science dedicated to understanding human behavior that aims to discover the environment variables that influence socially significant behavior and to develop a behavior modification technique, this discovery being of practical advantage.” [4]

ABA is a type of therapy in working with autism that facilitates the solidification of desired behavior and discourages undesired behavior. To achieve this end, therapists use rewards to encourage communication, language use and other abilities.

This method, created in the 1960s by Dr. Ivar Lovaas, has evolved over the decades to include many types of ABA therapy, used in accordance with the age of the patient and the objectives of the therapy they take part in.

ABA therapy concerns the base deficits of autism spectrum disorder: social skills and communication. Usually, children who are given this diagnostic struggle to connect with peers, to adequately communicate their desires and needs, to maintain eye contact and to decipher body language or other nonverbal cues. ABA therapy serves to better develop these abilities and to aid a more efficient integration into the environment.

ABA is a learning program that seeks to modify the child’s behavior, with the final objective of improving their set of skills. The system has clearly constructed objectives, divided into smaller tasks, thus making possible the permanent measuring of the child’s progress. The reinforcement of behavior is achieved using rewards, the whole system functioning on the base of these rewards, be they material or social. [5]

ABA therapy is centred around intervention programs that aid autistic children in accumulating communication skills and social skills displayed in both structured and unstructured situations.

## Research Methodology

Our research objectives include:

The assessment of language and communication of subjects diagnosed with ASD, using the Portage assessment scale, in the scope of bringing about individualized therapeutic plans.

The completion of the individualized therapeutic plans and their permanent monitoring, the analysis of ABA therapy's influence on the delay of language development in children with ASD.

The assessment of results in language and communication development after the therapeutic intervention received by the participants.

Research hypotheses:

1. It is hypothesized that after the application of ABA therapy in children with ASD there will be a noticeable acceleration in language development.

2. It is hypothesized that the language development of autistic children results in bettering social skills and self-serving skills.

The research sample is constituted by 5 children, diagnosed with ASD disorder and a delay in language development, among other associated disorders, from within the Târgu Mureş Delta Association – Therapies for children.

To assess our subjects not only at the level of language development, but of self-service and social skills as well, we used the Portage assessment scale, applied at the beginning and the end of the intervention period, lasting 6 months.

The Portage assessment scale for psychomotor development is a guide that includes an inventory of the skills needed for children between ages 0-6, as well as educational-therapeutic suggestions in acquiring these skills. The test is structured in 5 sections (that correspond to 5 areas of development), being: socializing, language, cognitive, motor and self-serving, the intended use of the test being the elaboration of personalized intervention plans.

The objective of the intervention plan consists in the issuing of a verbal cue by the subject right after the solicitation of an adult, the child's verbalization assimilating the verbalization issued by the adult.

## Results

After comparing the results obtained by the participants in this research on the areas of language-communication, using the instrument described above, we found a growth in social relations, development of language, self-serving skills, cognitive behavior and motor behavior. Moreover, we found other results such as:

A positive shift in problematic behavior, better learning, communication and social integration skills, a higher degree of attention, memory, understanding and focus, a reduction in the frequency and intensity of specific behavioral problems, a higher degree of assurance in self and others.

In our opinion, therapeutic success depends on 4 major factors:

The age at which children enter the program – it is recommended that the beginning of interventions take place at an early age, of 2-4 years;

The child's potential: cognitive level, stability of attention, ability to understand the abstract and auto-stimulations;

The extent to which family members get involved – the family's role is not to be ignored when considering the child's therapeutic success. The family becomes a co-therapist, rigorously following the recommendations made by the therapeutic team. We observed the best results in families that presented a high level of implication and in which ABA principles were implemented by parents outside of one-on-one therapy sessions;

The experience and professional attitude of the therapeutic team and coordinator of the team alike.

## REFERENCES

- [1] Schaffer H. R. (2005). *Introducere în Psihologia Copilului*, Editura ASCR, Cluj Napoca
- [2] Dragu A. (2002). *Psihologie și pedagogie școlară*, Editura Ovidius University Press, Constanța
- [3] American Psychiatric Association. (2013). *DSM-5 Manual de diagnostic și clasificare statistică a tulburărilor mintale ediția a 5-a*, Editura Calisto, București
- [4] Cooper J. O. (2016) *Analiza aplicată a comportamentului*, ediția a doua, Editura Alpha MDN. București.
- [5] Cooper J. O., Heron T. E., & Heward, W. L. (2019). *Applied Behavior Analysis (3rd Edition)*. Hoboken, NJ: Pearson Education.

# Differences in the Thinking of Bilinguals and Monolinguals

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## Abstract

The present article summarizes critical findings on how bilingualism can affect certain aspects of a person, for example, research shows that bilinguals can be more creative than monolinguals. Furthermore, previous statements also show that bilingual groups proved to be more open to experience than their monolingual peers. This research focuses on exploring significant differences between a group of Romanian-Hungarian bilinguals, a group of Romanian-speaking monolinguals, and a group of Hungarian-speaking monolinguals, in terms of levels of creative attitudes and the level of openness to experience. After the statistical analysis, the following hypotheses were confirmed: there are significant differences between the groups of bilinguals and monolinguals in terms of the following creative attitudes: concentration, nonconformism, preference to solve difficult problems, moral values, spiritual values, and practical values.

*Keywords: bilingualism, monolingualism, creativity, openness to experience.*

## Creativity, Openness to Experience, and Bilingualism

Creativity is a mental process that involves generating new ideas or connections between existing ideas or concepts. A more common conception of creativity suggests that it is simply the act of creating something new and different, something useful and original. Divergent thinking, or flexible thinking, is sometimes used as a synonym for creativity in psychology literature [1].

A variety of important methodological and theoretical factors should be considered when analyzing the relationship between bilingualism and creativity. Relationships between creativity and bilingualism can be influenced by a variety of factors, such as cultural characteristics, age, or the type of bilingualism. For example, bilinguals were found to score higher on verbal originality and flexibility and figural originality and fluency than monolingual individuals. Other research has identified significant differences between nonverbal and verbal creativity in bilingual contexts. The positive influence of bilingualism on nonverbal creative behavior was also demonstrated [2].

Furthermore, openness to experience, a meta-factor of the personality, is described as a personality trait related to intellectual curiosity and personal interests. People with a high level of openness may have a richer and more complex emotional life and may also be more curious and flexible in their attitudes and behaviors. In studies exploring the relationships between personality traits and creativity, the openness factor is a predictor of creativity, for example using creativity in daily tasks [3].

Research suggests that compared to their monolingual peers, bilinguals demonstrate higher creativity, openness, flexibility, and divergent thinking levels. This is explained by the fact that bilingual individuals have diverse knowledge, from two different language systems, but also by their participation in two cultural environments.

## Participants

The sample of this present study consists of 47 people, forming three groups: a group of monolingual Romanian speakers, a group of monolingual Hungarian speakers, and a group of bilingual Romanian and Hungarian speakers. These are made up of both female and male individuals aged between 18 and 50. Each group includes people from both urban and rural areas. Some of them have completed high school education, others secondary education, university education, and post-university education, so the individuals present themselves as a varied group of people.

## Instruments

A specific questionnaire was used to measure the creative attitudes of the individuals: the Creative Attitudes Questionnaire, a questionnaire developed by Mihaela Roco, based on a sample developed by J. M. Jaspard. It consists of 50 items, which are in the form of statements, with the respondent having to choose one of the 5 possible answers: not true at all (1), not true (2), relatively true (3), true (4), completely true (5), depending on what corresponds most to their person.

The creative attitudes that the questionnaire measures are: energy, concentration, orientation towards novelty, the argumentation of ideas, independence, nonconformism, confidence in one's strengths, moral values, orientation towards the distant future, completion, risk, preference for solving difficult problems, diversity of interests, spiritual values and practical values [4].

The Big Five Inventory, developed by D. W. Fiske and later extended by Goldberg, was chosen to assess the level of openness to experience. The Big Five Inventory is a self-report scale designed to measure the five major dimensions of personality: extraversion, agreeableness, conscientiousness, neuroticism, and openness to experience. The inventory consists of 44 items, with openness to experience having 10 items to itself. In the case of this questionnaire, several characteristics are presented which may or may not apply to the respondent. The extent to which an individual agrees or disagrees with each statement is selected on a scale of 1 to 5 (1 representing total disagreement and 5 total agreement) [5].

## Results

		Independent Samples Test								
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
<b>Concentration</b>	Equal variances assumed	17.562	.000	-2.024	45	.049	-1.70766	.84369	-3.40694	-.00839
	Equal variances not assumed			-2.366	43.916	.022	-1.70766	.72177	-3.16236	-.25296

Fig. 1. Differences in creative attitudes

There is a statistically significant difference between the monolingual and bilingual groups in terms of the creative attitude concentration as the t-value for concentration is- 2.024 and  $p < 0.05$  (0.049).

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
<b>Nonconformism</b>	Equal variances assumed	.861	.359	<b>-2.539</b>	45	<b>.015</b>	-1.36694	.53845	-2.45143	-.28244
	Equal variances not assumed			-2.370	25.361	.026	-1.36694	.57685	-2.55413	-.17974

**Fig. 2.** Differences in nonconformism

As shown in the table attached above, there is a statistically significant difference between the monolingual and bilingual groups in terms of nonconformism as the t-value for nonconformism is -2.539 and  $p < 0.05$  (0.015).

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
<b>Moral values</b>	Equal variances assumed	1.128	.294	<b>-2.995</b>	45	<b>.004</b>	-1.94960	.65105	-3.26088	-.63831
	Equal variances not assumed			-3.256	38.098	.002	-1.94960	.59871	-3.16152	-.73767

**Fig. 3.** Differences in moral values

The table attached above suggests that there is a statistically significant difference between the monolingual and bilingual groups in terms of the creative attitude moral values as the t-value for is -2.995 and  $p < 0.05$  (0.004).

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
<b>Preference for solving difficult problems</b>	Equal variances assumed	.229	.634	<b>-4.475</b>	45	<b>.000</b>	-2.44960	.54738	3.55209	1.34711
	Equal variances not assumed			-4.534	31.533	.000	-2.44960	.54030	3.55079	1.34841

**Fig. 4.** Differences in preference for solving problems

The table attached above suggests that there is a statistically significant difference between the monolingual and bilingual groups in terms of preference for solving difficult problems because the t-value for this particular creative attitude is -4.475 and  $p < 0.05$  (0.000).

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Spiritual values	Equal variances assumed	8.697	.005	-3.517	45	.001	-2.48185	.70567	-3.90316	-1.06055
	Equal variances not assumed			-4.123	44.070	.000	-2.48185	.60191	-3.69486	-1.26885

Fig. 5. Differences in spiritual values

There is a statistically significant difference between the monolingual and bilingual groups in terms of creative attitude and spiritual values as the t-value for concentration is -3.517 and  $p < 0.05$  (0.001).

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Practical values	Equal variances assumed	1.897	.175	-2.566	45	.014	-1.98790	.77483	-3.54848	-.42732
	Equal variances not assumed			-2.405	25.648	.024	-1.98790	.82640	-3.68773	-.28807

Fig. 6. Differences in practical values

From the table attached above it appears that there is a statistically significant difference between the monolingual and bilingual groups in terms of creative attitude practical values as the t-value is -2.566 and  $p < 0.05$  (0.014).

## Conclusions

The results suggest that certain creative attitudes are linked to individuals' multilingualism and multiculturalism. Some of the hypotheses have been confirmed, and all this may be because there is evidence that bilinguals are better equipped to process information than monolinguals, which can make it easier for them to concentrate. At the same time, nonconformism is also influenced by an individual's exposure to more than one culture, which is the case for bilinguals, who are better equipped to cope with, for example, culture shocks. In all cultures, a language is a tool for socialization and interaction, however, interaction strategies vary from culture to culture. Individuals learn the cognitive and emotional aspects of language use by participating in these strategies. They acquire each language in their respective cultural environment, where there are different cultural cues. Therefore, in addition to mastering several languages, bilinguals can adopt a range of multicultural values and knowledge. When it comes to the level of preference for solving difficult issues, this creative attitude is also influenced by the bilinguals' switch from one language to another, which can bring flexible thinking into question. At the same time, the level of spiritual values is influenced by the variety of cultures to which bilinguals are exposed and in which they have grown up. The level of practical values could be correlated with the level of preference for solving difficult problems, this essentially being an attitude of adaptation to the new; operating daily with two or more languages confronts, but also predisposes to solving complex semantic and interpersonal problems.



## REFERENCES

- [1] Simonton D. K. (2010). Bilingualism and creativity. In R. R. Jeanette Altarriba, *An Introduction to bilingualism: Principles and Processes* (pp. 147-166). Lawrence Erlbaum Associates.
- [2] Leikin M. (2012, March). The effect of bilingualism on creativity: Developmental and educational perspectives. *International Journal of Bilingualism*, 17(4), 431-447
- [3] Xinjie Chen J. H. (2019). Relationships between openness to experience, cognitive flexibility, self-esteem, and creativity among bilingual college students in the U.S. *International Journal of Bilingual Education and Bilingualism*, 342-354
- [4] Roco M. (2007). *Creativitate și inteligență emoțională*. București: Polirom.
- [5] Oliver P., John S. S. (2008). The Big-Five Trait Taxonomy: History, Measurement, and Theoretical Perspectives. In O. P. John, *Handbook of personality: Theory and research (2nd ed.)* (pp. 114-158). New York: NY: Guilford Press.

# We Study for Life, Not for School

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## Abstract

The entire purpose of the present paper is to demonstrate two primary affirmations, respectively the one which states that “learning through coercion is not built to last, rather, learning which touches the soul through love and goodwill, will remain there forever” as well as the following one: “to live means to learn. Each life experience is a lesson. Time is a tool.” Use each moment for the purpose of learning.

*Keywords: study for life, types of learning, non-formal learning program, community sage*

## About the Purpose of Learning; Types of Learning

We learn to breathe, we learn to eat, we learn to rise up and to keep our balance on our two own feet and then to move where we wish to move, we learn to speak and to communicate in many ways, we learn to write, to read and to count, we learn to interact with those around us and to create families and friend groups, we learn to take responsibility in our relationships and in the workplace, we learn social norms and how to abide by them in order to live in a community and in society; life itself is a perpetual process of learning.

Whether conscious or not, this perpetual process of learning is indispensable to our survival, to actuating and developing the “talents” from our personal ancestral endowment, in order to integrate ourselves into and cohabit within communities that we belong to, whether large or small (friends, family, groups and communities of social, economic, or professional nature, etc.) Thus we learn from every life experience we have, whether in a formal context (in a systematic and organized manner, in specialized institutions), a non-formal context (in extracurricular activities outside of the formal schooling system), or an informal one (spontaneously, outside of systematic educational circumstances). The following is a presentation of a learning program aimed at youth, which seeks to offer solutions to the present formative needs that they are faced with.

## Non-Formal Learning Program

The **target group** is comprised of high school pupils and university students, youth who desire to learn and who seek support and guidance in this endeavor; who are resigned and disappointed by what they currently receive within the formal schooling system.

The **purpose of the program** is to fulfil the following objectives:

- to teach the pupils to construct and perfect their own system and style of learning;
- to encourage critical thinking and expression of ideas, opinions, and arguments in a suitable manner, so as to be conducive to attaining greater clarity and precision of understanding, and thus broadening their sphere of knowledge;
- to cultivate the perennial values of humanity.

**The tutors** are the people who will assist, guide, and advise the pupils throughout this learning process, their person and personality being crucial to assuring that the information and values promoted in the program are authentically integrated into their own self, thus guaranteeing authenticity and integrity.

**The program** will take place according to the following steps:

- the fields of study will be chosen (for example, law and judicial institutions, psychology, science and faith, etc.)
- groups are formed of up to 10 pupils;
- topics of discussion are established in advance (for example, orwellian or huxleian social dystopias), announcing the relevant bibliography and issues that will be addressed within the given theme;
- pupils will be urged to keep a notebook within which to organize their approach to the theme being discussed, their answers and arguments pertaining to the given topic;
- debates will be coordinated by specialists in the relevant field who have extensive practical experience; this is to assure the authenticity of the information they disseminate; it is recommended that two teachers are present for each debate session, of which one will guide the debates, and the other will oversee and offer feedback;
- the debates will take place verbally, in person, for a duration of 2 to 4 hours, during which time the tutor will take 15 to 30 minutes to elucidate the topic, after which they will initiate and coordinate the discourse between participants, routing as necessary;
- for the duration of the debates mobile phones will be closed, and each participant will devote their time and attention exclusively to the debate session itself;
- at the end of each session, every pupil will be prompted to specify what they have figured out during the session, and asked whether they have any remaining queries; the coordinating tutors will ask the pupils to consider how time was used during the debate session and how efficient was it compared to individual study, in their experience;-the session ends by agreeing upon the topic for the next session and establishing the relevant bibliography; tutors can recommend books and video materials which evoke the values that have been discussed or will be discussed in future sessions; -sessions will be held monthly.

## **Teaching Method**

### **The first objective**

- to teach the pupils to construct and perfect their own system and style of learning. In order to fulfill this objective the focus is on properly organizing information, so that it can be retained in long term memory, from which to be accessed as needed.

For this purpose, the information delivered by the tutor must:

- be built upon a logical and rational structure, so as to be readily understood by the pupil on a cognitive level, as a concept, thus creating *the rational link*;
- be associated with a practical field that it refers to or to which it belongs, through offering functional examples of how it can be employed, thus creating *the objective practical link*;
- be correlated to personal experience, for the purpose of emphasizing the personal pertinence of understanding and memorizing the given information, focusing on the empirical and practical manner in which the pupil could use it in their life, thus creating the *subjective practical link*;
- have a positive emotion ascribed to it, by triggering the satisfaction of accomplishing the endeavour of accurate and integral understanding of information, which will strengthen the pupil's will to learn and their confidence in their abilities, leading to a more efficient learning process, thus creating the *emotional motivation link*.

The tutor will support and assist the pupil in identifying their personal style of learning. For example, they may use schematics, skeletal structures, sketches or associations between words and images. It is essential that the learning process is done through identifying and perfecting each pupil's natural and personal learning style, without making any attempts of imposing a style of learning which is incompatible with the person and personality of the pupil.

A useful tool for this purpose are personality types, which tutors need to know in order to offer suitable guidance for each individual pupil.

### **The second objective**

- to encourage critical thinking and expression of ideas, opinions, and arguments in a suitable manner, so as to be conducive to attaining greater clarity and precision of understanding, and thus broadening their sphere of knowledge. Tutors will offer support and assistance in bolstering the pupil's abilities within the dialectical science and art, following these principles:

- the dialogue is a structure, towards which every participant contributes with their personal arguments (“bricks”), which they place alongside or on top of the arguments of others, so as to ensure that the final result of this dialogue is a coherent, stable, and durable structure;

- pupils must not take combative stances which seek first and foremostly to attack another person's argument; as such an approach is centred around “the other” and around antagonizing them, rather than being focused on the actual content of the argument; thus, dialogue must be about the content itself and not about the people involved;

- each participant is personally responsible for the manner in which the dialogue is carried out and for the “final structure” that ensues as a result of these discussions;

- in that regard, it is important that each participant acknowledges that they have chosen to participate in this activity with the intent of resolving certain queries that they may have, to attain greater understanding than they could have on their own, to consider the perspectives of others; a useful example of acknowledgement and reflection would be to ask themselves following: if this is the intent with which you have chosen to participate in a dialogue, why should you seek to impose your point of view? you have brought it with you, do you intend to leave with it as well?; this is a loss, a personal waste of time and energy if all you have achieved is to reaffirm your personal point of view; you could have done that on your own, at home, speaking in front of a mirror.

### **The third objective**

- to cultivate within the pupils the perennial values of humanity: truth, love, beauty, goodness, harmony, balance, work ethic, respect and responsibility, and communal belonging.

The current generation of youths is faced with a wound of abandonment, feeling uprooted, both on a personal level as well as on a collective level. They do not feel a sense of belonging within the communities that they are a part of physically, whether familial, local, regional, or even national and universal. They feel and perceive themselves as being “different” from all other generations, to a greater degree than the natural and traditional perspective which each generation has typically had, which distinguishes the contemporary generation of youth from those that came before it. They feel uprooted because they have been abandoned by their immediate family and proximal community, their abandonment taking place in the form of an overt lack of any proceedings pertaining to initiating them into community life. The vital importance of initiation rites for youth, both in personal life as well as in community life, is acutely apparent now, when the deeply harmful results of the lack of any such rites are becoming clearly visible.

Societies, or more exactly, communities that we pompously, but wholly unwarrantably and ignorantly dub as being “primitive”, had such initiation rites, distinct between those for boys

and those for girls. These rites were carried out by the village sages, who were the elders of the community. Why was this?

- because they were repositories for the community's values, which had proven to be valid through the test of time, ensuring the continuity of the community itself and the harmony within it, while also proving to be adaptable to the passage of time because they have bestowed the community the power to regenerate and renew itself;

- because they were keepers of the synthetic results of filtering the community's values through the prism of each new generation;

- because their status allowed them to impose these values and harmonize them among the entire community through the respect they would incur and which the members of the community would offer them;

- because they were situated at the top of the community's hierarchy, and from that position they knew which values transcended the individual level of each family and could constitute values for the entire community;

It is for these reasons that this enormous responsibility would be delegated to the sage elders of the community. It was their responsibility to assure that each youngster knew: what the values of the community they live in are; that they must adhere to them if they wish to live within that community; what the consequences to disrespecting or disobeying them are (most often, expulsion from the community); that they are personally responsible for the manner in which they live their personal life in accordance with the aforementioned values, and in doing so contributing to the life of the community.

For the youngster, this initiation rite was vital in multiple aspects.

First and foremost, the youngster, whether male or female, would be taken from the midst of their family and subjected to the initiation rite by the entire community (of men or of women), thus proving to them their value as a person within the whole community, which would come together for such an event, for them; thereby proclaiming and confirming both their personal value as well as their value in the community;

Then, through these rites the values of the community are conferred to the youngster and they are initiated thusly. This set of values is situated on a different tier than those values established in the roost of their family, which are assumed to have by now been assimilated by the youngster; thus, the youngster realizes that they belong to a larger family, that of the community, towards which they have duties and responsibilities, as well as roles which they must fulfill. Even further, the youngster understands that they belong to a greater family, that they are not abandoned or alone.

At last, the youngster finds out that there are certain regulatory mechanisms which can be employed during times of crisis and that they must undertake a certain role within the community, for which they will be personally responsible. By acknowledging all of this the youngster is made to feel valuable because they have a purpose and a personal contribution which they bring to their community, and which others rely on them for. Hence they reach the threshold of personal adulthood. They feel valuable and their life has meaning. After these practices of initiation, youngsters would learn that their life and they themselves matter. They would realize that they do not need to go through life on their own, that they belong to a community which supports them, protects them, and helps them in their time of need. They would perceive that they are important for the community, within which they have a purpose, thus their life as a whole has purpose and meaning, and they have value.

These initiations would take place during early childhood, around the ages of 8 to 9. Taking into account the increased life expectancy of modern times, a more fitting age for carrying out such rites would be around 14. This is the age during which the teenager naturally starts feeling the desire to leave the tutelage of their family behind and embark on their personal "hero's journey", so as to develop and mature. Therefore, naturally, at the age of 14 the influence and

control the family has over the teenager starts to visibly wane; furthermore, it is natural that the community ought to take on the role of initiating the teenager into the community and its way of life. This role typically falls to teachers, as they are the first beckoned to undertake the role of “the sages of the citadel”, as the elders would have, within archaic (not primitive) communities.

However, this initiation, in order to be valid and authentic, must be carried out by transferring the values of the community, and through the personal life example that the teachers themselves set, in the sense that they must live their own lives in accordance with the community's values; alas, in practice this is rarely the case nowadays. In the absence of such a process of initiation and development, youngsters end up feeling entirely abandoned both by their own family and by the community. Moreover, because life follows its course unhindered and cannot be paused until we find solutions for our problems, teenagers seek role models or points of reference in the process of their coming of age, and they often find them within their friend groups and within social media platforms. Neither of these can be considered valid and authentic ideals. Why?

The friend group cannot constitute a community capable of supporting and aiding in the process of coming of age because they are constructed from fellow teenagers of similar ages and with a similar level of maturity, that is to say, a low one. It is a similar situation as that presented in the parable of the blind man who leads another blind man down a road, which ends with both of them falling into the ditch on the side of the road. It stands to reason that you cannot ask for valid advice meant to aid you in making wise decisions from somebody who has not yet walked that path themselves, so as to truly know it. A fellow teenager can only speak of maturity, but only a truly wise adult actually knows it. The authenticity of personal experience is the only quality which validates and upholds personal truth, this in turn being the only truth which can faithfully be imparted to others.

The purpose of the friend group is another, or rather, it ought to be another. It more readily takes on the role of a support group, within which teenagers can feel “normal” in the sense that they can find kinship in their common experience of being faced with similar challenges and difficulties; they know and feel that they are understood and accepted without needing to justify themselves, as they all bear the same “scars”. Ergo, the friend group is in fact, and certainly necessary as, a “group of mirroring”, within which the teenager can see their “problem” in all of its facets and can find the courage to stand face to face with it because they know that they will not be judged, that the credibility and importance of their problem is not invalidated or discredited, that they need not justify themselves, and that they will not feel that they are broken or inadequate.

Within the friend group, teenagers feel that they all have the same “problem” or “issue” to resolve. However, in order to fix an issue, one requires a “mechanic” who is capable of accurately diagnosing the issue and who knows what must be done, practically, in order to solve it, so that the teenager may function better in the future. Social media platforms are extended communities within which teenagers feel free to communicate and from which they seek to procure information and solutions pertaining to their concerns, issues, and preoccupations.

The 2020 documentary “The Social Dilemma” by Jeff Orlowski exposes the functional means by which algorithms are employed by social media platforms, as well as the major impact that they have upon the populace, in the sense of inducing and controlling the behaviours and perspectives of those who use them, whether they are children, teenagers, youths or adults, towards the goal of manipulating them. Within social media platforms, teenagers seek solutions to their problems, thus conferring to the social media platform the role of the “mechanic” whose advice they heed and follow without filtering it through their own insight; teenagers unconditionally believe what they are presented with on social media platforms and do not possess an internal “filtering station” through which to winnow the amalgamation of

information that is set forth before them, for the purpose of distilling it and then internalizing only valid and useful information. The sway that social media platforms have for the purpose of manipulation is enormous, and parents hardly stand a chance nowadays in trying to convince their teenage children not to use social media platforms, to not believe without questioning all that they may find circulated on them, or to persuade them to the contrary of what they are presented with.

The contemporary teenage generation is the first to have been raised by social media platforms, which implies, first and foremostly, that those so-called “values” promoted by these platforms are automatically embraced in their entirety by teenagers and internalized as personal values, with the guidance of which they then enact their personal choices. The pitfalls of social media platforms is that they offer teenagers a false sense of belonging, a false impression of having the maturity to choose for themselves, a false idea that there are no consequences and responsibilities to their choices and actions, that anything is possible, that things can be done lightly, easily, without effort or personal sacrifice and that if it is not so for them, then it is their parents, teachers, the adults and the community, society at large, that is to blame for not providing them with all that they desire, when and how they desire it; it leaves teenagers with an erroneous view of their rights and freedoms, without taking into account the correlated consequences, responsibilities, and obligations.

The moral relativism and neo-marxism which prevails as the common doctrine in the current public space, including within the context of university education, strongly propagated and exacerbated by social media platforms and by conventional media (which has wholly abandoned its initial purpose of serving as an accurate and balanced source of information for the public, in lieu of that of becoming a vehicle for propaganda for those who will pay the fee) tends to leave teenagers and young adults bereft of authentic and real values, and without a moral compass by which to guide themselves in this arduous and difficult process of coming of age, during which they are deeply vulnerable.

The wisdom of ancient peoples shows us that youth should not be abandoned and left to go through this process by themselves, because it is much too dangerous for them to do so in the absence of authentic examples, and those examples can only come from wise and mature people, who have grown more knowledgeable through their own formative life experiences, and who consciously choose to impart to youngsters the values of the community and the means by which to integrate them; what they should seek, what they should aspire to, what steps they ought to take for this purpose, what pitfalls they may find along the way, how to avoid them, how to realize when they may have become lost and how to return to the right path, with whom to convene on this path and whom to avoid, how and whom to ask for help, how to build internal anchors and how to steady themselves during difficult times, and how to discover their own bravery.

### **Who Consciously Chooses to Bear the Role of the “Community Sage” Nowadays?**

All of the greatest minds of the world have been teachers, which means that this role must be shouldered by those who have a calling for educating.

They must be, first and foremostly, thoroughly trained in their respective fields of expertise, which comprises their professional abilities. Additionally, they must possess great pedagogical, oratorical and communicative skills, as well as being deeply empathic and open, loving of humans and humanity, and attached to perennial human values, living their life in accordance with these values as criteria for their personal choices. Another vital aspect is the person and personality of the educators, so that they may achieve the goal of truly being role models for youngsters. Additionally, they ought to have significant experience in their respective fields (e.g. law, psychology, history, etc.), having actively practiced their careers for at least 20 years,

whether they be judges, lawyers, prosecutors, clinical psychologists, psychotherapists, school counsellors, etc.

Likewise, they have to be passionate about the understanding, explaining, and the functional applications of features found within their respective fields (institutions, behaviours, deeds, actions, feelings, etc.). To this end, it is imperative that they have developed and refined their critical assessment skills, their judgment (with its vast constituent parts of understanding, synthesis, correlation, etc.), their ability to identify vulnerable points and the means by which to overcome them, etc. Thus, a style of critical thinking which guides itself towards substance and truth is warranted. Furthermore, they must have the ability to identify, construct, and offer tools which youngsters can use themselves. These tools must be created in accordance with the values and principles of humanity as well as those specific to the field in question, and youngsters must be effectively taught how to build such an instrument themselves: by observing fundamental values and principles. Such an approach builds the youngsters' confidence in their individual ability to overcome challenges on their own, by cultivating their personal capability to find solutions to life's problems.

## REFERENCES

- [1] Platon Mircea (2020). *Deșcolarizarea României. Scopurile, cărțile și arhitectii reformei învățământului românesc*, Ideea Europeană;
- [2] Idem, (2022). *Cominternul educațional și deșcolarizarea digitală*, Editura Ideea Europeană;
- [3] Eliade Mircea (2019). *Sacrul și profanul*, Editura Humanitas;
- [4] Idem (2017). *Nașteri mistice*, Editura Humanitas;
- [5] Schaffer H. Rudolph (2010). *Introducere în psihologia copilului*, Editura ASCR;
- [6] Papalia Diane E., Wendkos Olds Sally, Duskin Feldman Ruth (2010), *Dezvoltarea umană*, Editura Trei;
- [7] Sfântul Velimirovici, Nicolae (2015). *Răspunsuri la întrebări ale lumii de astăzi, vol.1*, Editura Sofia;
- [8] Dr. Neufeld Gordon, Mate Gabor (2017). *Cum să ne păstrăm copiii aproape. De ce părinții trebuie să fie mai importanți decât prietenii*, Editura Multi Media Est Publishing.



## Teacher Burnout in Romania

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### Abstract

The burnout syndrome represents a common problem in the field of work, which is a result of the chronic workplace stress. The employees who work with people, whose job supposes to solve problems, who work a lot in front of the computer and those who have repetitive tasks, are more likely to develop the burnout syndrome, than others. Teachers represent one of these categories, they are working with pupils or students, they have a high level of responsibility, they must get used with the new generations. On the same time, between 2020-2022, there were a lot of changes in the educational system, they had to find new solutions all the time, in order to be able to continue teaching as effective as possible. The Romanian educational system has a complicated system of regulation, which makes difficult, sometimes even impossible for a teacher to achieve a labor contract for undetermined period. This means that many teachers must change their school every school year, so in every September they have to get used with a new school, new colleagues, new children, new internal regulations, new management. This is one of the factors that increases the development of the burnout syndrome. In the following article I am going to present some aspects of the burnout syndrome, I will analyze the specific situation of the teachers in Romania.

*Keywords: burnout, teacher, prevention*

### The Definition and the Stages of the Burnout Syndrome

The notion of "burnout" and its symptoms were introduced for the first time on the scientific field by Herbert J. Freudenberger in 1974. The symptoms of it represent the answer of the personality to the stress management, but we also have to take in consideration the organizational and relational contexts [1]. Moreno, J. L. ascertained that in our whole life we have to conform to different roles and this process influences our self-esteem and our self-image. This way, when we cannot deal with a role, in our personal or professional life, our self-esteem will decrease. Devaluating the role of the teacher can result the exhaustion of our personality in the role of the teacher, by this will appear the burnout syndrome. This syndrome can have many reasons, such as demotivation or establishing too high goals. In these situations, the persons have the tendency to not accept or to reject the other peoples' observations.

The notion of burnout was introduced in the psychology lexicon from München in 1955, which emphasizes the importance of this problem, also demonstrating that this was an existing problem that time too. The definition given in 1955 of the notion described it as a condition similar to depression, which appears because of the overuse, its base being situated in the unconscious level and on the appearance of some unreal expectations from their own person or from institutions, the conditions can be improved if being supervised. [2]

The burnout syndrome has twelve stages, which were identified by Freudenberger and Gail North. Firstly, appears a compulsion for self-improvement, when people try to demonstrate obsessively that they are the best, accepting any kind of responsibility in order to show that they are the best employees. This enthusiasm continues with working harder and harder, the person

just cannot stop, it is not able to do something else, this the moment when the person starts to be workaholic, which is stage two. The third phase consists in neglecting their own needs, such as sleeping, eating, relaxing. Stages four and five consists on displacement of the conflicts and a review of the values, this way that employee only works, does not take in consideration the outside world, cannot see anything outside of the box, not even family, friend, or any kind of problem unrelated to work. In stage six we can see a transformation of the person, who becomes more aggressive, being characterised by intolerance, irritability, considering everyone else as being lazy or stupid. Stage seven is the withdrawal, where we can see no social life, the person realizes that is stressed, in many cases they appeal to alcohol or drugs. Stage eight is coming with severe behavioural changes: this is the moment when the family and friends are really concerned. The next stage is depersonalization, which means that the person is so stressed and exhausted, that he cannot find anything that is valuable, not even himself. The tenth stage is the inner emptiness, when the person in case tries to overcome the emptiness by exaggerating some other activities, such as eating, drinking, sex, drugs. The eleventh stage consists in depression and in the last stage we can talk about the burnout syndrome, which can include a full collapse, both physical and mental, it can require medical help also. [3]

### **The Triggering Factors**

There are three categories of triggering factors: individual, organizational and transactional factors.

The individual factors give us an answer to the question “Who experimented the burnout syndrome?” The studies about teacher burnout have shown that the young teachers, between ages 20 and 30, are more likely to develop the burnout syndrome, while teachers of ages 30-40 likely confront the emotional exhaustion or depersonalization. Teachers older than 45 years have a decreased level of achievement. Studies also have shown that marital status can influence the appearance of the burnout syndrome. Thus, we can say that the teachers who are single, who have an unworking marriage, who have less than five years or more than 15 years of teaching activity have higher chances to develop the burnout syndrome. The burnout syndrome is also related to the five dimensions of the personality. People who have higher scores on the neurotic dimension, which includes anxiety, depression and increased vulnerability, have higher chances to develop the burnout syndromes, than others.

The organizational factors give us answers to the question “What causes the burnout?” Possible causes of the burnout can be the lack of social support from the colleagues or from the management department, organizational stiffness, excessive expectations, improper salary or resources, insufficient training, the lack of participation (in the case of the teacher) when taking institutional decisions or unsatisfying working conditions.

The transactional factors give us answers to the question “Who experiments the burnout syndrome and on which situations?” These factors represent the relation between the individual and the organizational factors, also including the teacher-student interaction and the professional satisfaction. [4]

### **Prevention Methods**

When talking about prevention methods, we can divide them on two groups: organizational and individual prevention.

The organizational prevention should always be the first step in avoiding the burnout syndrome. In the educational institutions we have the next possibilities of prevention methods: training, specialized exams for the teachers’ grades (second and first grade), teambuilding activities, ensuring the supervision of the school psychologist, identifying the motivations and

the necessary attitudes, splitting the necessary tasks from the unnecessary ones, taking the whole period of the vacation stipulated in the labor contract.

Maintaining the motivation and the capacity of playing represent the most important keys in individual prevention of the burnout. In order to maintain the motivation, every teacher should give an answer for the following questions: Why did I choose this job? What does this job mean to me? How do my colleagues and my students see me?

The stress management is another important aspect that we must consider when talking about prevention methods, at organizational and individual level also.

Firstly, we can talk about strategies that decrease the organizational stress. Help the employees understand the organizations politics has a positive result, making the employees more relaxed, detensioned. Organizing the personal workplace is also an important activity, this way the employees can have their own space, organized on their own style. The efficient communications help managers to create a friendly and relaxed climate. On the other hand, we can talk about individual activities in the employed free time, that of course cannot be controlled by the management of the institution. These activities can be recommended by the school psychologist and can include any kind of antistress activities, hobbies, practicing sport. On the same time, it is very important for every employee to learn how to say no. It happens many times that employees get exhausted and get to work extremely much simply because somebody asked them a favour or more and they do not know how to say no. [5]

### **Personal Experiences and Observations in the Educational System**

I am working as a teacher in the Romanian educational system from 2014, I was working as a special school teacher for a year and a half, after a pause of six month I was working one year as a school psychologist. After that I was working as a social sciences teacher in high school for three and a half years, and after a pause of six months I came back in the system on the same position.

In Romania, you can become a qualified teacher in preschool, primary school (classes 0-4) or gymnasium (classes 5-8) if you have a bachelor degree and also a pedagogical training of level 1. In order to become a high school teacher, you must have a master degree and the level 2 of the pedagogical training.

In order to have a labor contract, you must participate on the national competition for the available teaching posts, which means you must submit your file with all your documents in April or May on the county inspectorate, if everything is all right, you will have an inspection in May or June (you have to teach a class in front of a methodist), in June you will have an oral exam (if you want to teach in an another language than on which you studied on the university) and in July you will the written exam. You must have at least the grade 7 on inspection and on the written exam also, in order to have possibility to have a labor contract for indefinite period. Otherwise, you must have the grade of 5 on inspection and written exam, in order to have the possibility to have a labor contract for a year. Unfortunately, most of the teaching posts are not complete, which means that you can have only a contract for a year. If you have the grade 7, you have the possibility to remain on the same place one or two more years, if the manager of the also agrees.

This whole story I did two times in 2014 and 2015, I took the exam on Special psychopedagogy, in lack of any full posts, in lack of the possibility to have a contract for an indefinite period. Working in special education is not easy, after one and a half year, because some of the system problems and lacks, I decided to try other field of work. In special education after a period of time, you simply feel that you cannot do anything more. It does not matter what you do, the children cannot evolve anymore, so you start to feel useless. Unfortunately, there are a lot of colleagues, who feel this for a long time, but they do not make a change

because they took a lot of exams in order to get this job, they have shorter working program than others. There are teachers in special education who started to take sedatives in order to resist those hours at work.

After coming back into the system, in 2016 I took an exam again, this time on psychological counselling, that year I was a school psychologist. There did not exist any posts in the city, we all had to commute to other localities, which took a lot of time, money and it really was not comfortable. I adored to be a school psychologist, even though I could not do everything I wanted to, I stayed some hours more, but I could not solve everything. There were 1000 students, all my teacher colleagues in two schools, parents, all this in 14 hours, because we had to teach 4 hours every week psychology or any other social sciences subjects. Despite of the thing that I was as efficient as possible, I considered that I deserve somehow more, more comfort, more time for myself, less time spent on the row. In those 4 hours of teaching, I found out that I really love to teach.

So next year, in 2017 I went again to the exam, on another subject, this time was Psychology, so I became a psychology and social sciences teacher in 3 schools. The next year, in 2018, I took the exam on the same subject. There were not enough teachers of social sciences in the city, so initially I took 18 classes in 4 schools, lately I woke up with 6 schools and 30 classes. In 2019 and 2020 I used my grade from 2018, so I just submitted my file, but I did not have to go to the exam. I had each year around 30-35 classes, which meant 5-6 schools, very different levels, approximately 1000 students. Then, it came the online and hybrid teaching, every school had other specific situation, other platform to use, thousands of groups with my colleagues. In 2021, the stress increased, so I decided to find another job, before I would have the feeling that I hate my job. After the change, the first months were all right, then I started to miss the students. the old activities, the old colleagues. So, after a pause of 6 months, I submitted my file again with my grade from 2018, and I came back to the system. This time I realised that I do not need to have 30 classes, it will be enough only 20-22. I changed my lifestyle, started to practice sport, I got on antistress colouring book that had very positive effects. In 2022 I told myself that this would be the last time I go and take an exam in this system, making a career in the field of psychology in the future. This year I took another exam, this time on Philosophy, and I finally got a labor contract an indefinite period, on the same time I am also building my career in the field of psychology.

But if we make a simple count, it took me 8 years, 5 exams, a lot of changes to get some stability in the system. I quitted two times from the system, feeling that I am getting more and more near to the burnout. In this time, I got two more bachelor degrees, one more master degree and I started doctoral studies. All these took time, energy, money, instability.

Unfortunately, we have a lot of colleagues in this situation. Every year we have a lot of colleagues that simply quit the system, because they feel that it is a waste of time (a lot of degrees, exams, energy, there are not any more teaching posts). They just feel that they are near burnout or started to experience some of the symptoms and said no. There are other teachers, who developed burnout syndrome, but they are not ready or they consider that they are not capable of making a change in their lives, maybe change their job, take a free year.

The biggest problem is we do not have enough school psychologists, our school managers do not have training in human resources and we do not have any personal on human resources department of each school, who could identify these problems. Once there is no one to identify it, we can assume that there also is no one to prevent it.

## Conclusions

In conclusion, we can affirm that the burnout syndrome can have individual, organizational and transactional triggers, all of them has to be considered equally important. We must work on all these aspects in order to prevent burnout. Preventing the burnout syndrome is important to each employee, in order to be able to maintain a healthy life. On the same time, preventing burnout is also important to each institution, in order to maintain a friendly climate, in order to have efficient employees.

This aspect would and should also be important for the educational institutions too. In order to educate healthy children, you need healthy adults for the educating and teaching them. We would need a higher number of school psychologist in order to prevent and solve problems of the children, and on the same time, we would a human resources specialist in every institution, in order to help teachers to prevent burnout and also in order to help in organising teambuilding events, to diagnose organizational problems and to solve them.

Teachers also can do the individual prevention, they have to learn to say no sometimes, to save some time for their-selves, to find themselves a hobby, save some time to friends and family, in order to maintain their mental health.

## REFERENCES

- [1] Maslach C., Jackson, S.E. (1981) The measurement of experienced burnout. *Journal of Occupational Behavior*. 2, p. 99-113
- [2] *Lexikon de Psychologie* (1995): Wissen Media Verlag GmbH, Gütersloh / München
- [3] <https://florencejimenezotto.com/2019/01/14/12-stages-of-burnout-according-to-psychologists-herbert-freudenberger-and-gail-north/>
- [4] Antalka Á. (2015) A tanári kiégés feltérképezése Kovászna megye középiskolai tanárainak körében
- [5] Stoica, M. (2011) *Elemente de psihologie organizațională*, Editura Risoprint, Cluj- Napoca

# Evaluation of the Recently Diagnosed Oncological Patient

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## Abstract

At the moment of acknowledging and accepting an oncological diagnosis in the life of the patient and his family, a crisis situation is established, from a biological, psychosocial, spiritual but especially existential point of view. It is a traumatic experience from many points of view being accentuated, especially due to the unpredictability of the situation because, statistically speaking, 76% of the patients are informed about the unexpected total tumor diagnosis. The present study aims to develop an approach to identify coping mechanisms and the level of distress, anxiety and depression in cancer patients recently diagnosed with cancer, and the level of somatization, can be both the basis of a diagnostic approach and an important prognostic benchmark. In addition, based on these complex predictive models, intervention programs can be developed-therapeutic intervention models that modulate high-risk predictors and thus reduce the risk of recurrence.

*Keywords: cancer patient, depressive syndrome, oncological distress, anxiety, coping mechanisms, therapeutic intervention*

The excessive cells growth and differentiation by imbalance of the cell cycle can lead to the appearance to cancer. Cancer was and would remain a major public health problem, both nationally and globally, being the first or the second cause of premature deaths (at ages between 30 – 69 years old) in 134 countries (source: OMS - International Agency for Research on Cancer). The diagnosis of a malignant disease as cancer, the disease's evolution and all treatments necessary to treat the disease are stress sources for the patient. At the same time, sadness, anger, isolation, stress are normal reactions faced by patients diagnosed with this disease.

At the moment, psychotherapy still plays a relatively minor part in the oncologic patient's recovery effort or for improving his life quality. It is true, psycho-oncology is included in oncological therapy methodologies, in order to offer emotional support to the patient and psychotherapy for anxiety, depression, panic attacks or insomnia, but it seems that the use of medication for various affective disorders is highly recommended, being agreed primarily by patients who have more confidence in drugs with immediate expected effect than in the benefit of psychotherapy sessions. Among psychotherapies, it seems that the cognitive-behavioral approach (relaxation and mental imagery) is agreed by the patients, researches indicating significant modifications in the functioning of the immune system and improving the patients' life quality [1].

One of the major problems of patients affected by cancer is the status called “oncologic distress”, a condition that about half of those diagnosed experience and psychological intervention is needed. It is a state of stress in which elements of depression and anxiety also enter. If it is not tamed, it can increase the risk of suicide, but also adherence to treatment. It can affect communication with the medical system and all that the symptoms of pain mean.

The main mental disorders that can result from not adapting to the medical condition include affective or anxious disorders, which cause a significant reduction in the normal functioning of sick people.

In the moment of speaking of affective disorders in oncologic pathology we refer to the spectrum disorders of distress, anxiety and depressions.

A form of anxiety commonly found in this category of oncological patients is posttraumatic stress, which is present in about 3% to 12% of people, but differs depending on the type of cancer [2].

Evaluation of anxious symptomatology in oncologic context requests a bio-psychosocial approach. According to a recent meta-analysis (Sanjida S, 2018), screening and evaluation of the level of anxiety should be introduced before providing psychological interventions as an inclusion criterion for future clinical trials. Screening instruments like emotional thermometers [3], Hamilton Anxiety Scale [4] (HAM-A, 2015), The scale for assessing anxiety and depression in the hospital context (HADS)[5] (Galindo Vazquez O, 2015) (Beck KR, 2016) can be introduced in this stage. At the same time, after achieving this evaluation, general objectives (which, of course, are patient adapted) a clinician must establish are related to the reduction by 50% of the score of the GAD anxiety disorder scale – 7, reduction by 50% of the fear of recurrence with a Likert scale or CGI scale (Clinical Global Impression Scale), return to work (if the medical condition allows this decision) completion of radiotherapy treatment of a patient with claustrophobia, reduction of the frequency of panic attacks [6]. As for the prevalence of anxiety among oncologic population, this varies between 10% and 30%, depending on measuring instruments, the sample size, variables related to the stage of illness and treatment of patients [7]. Anxiety and depression's estimated prevalence is of 11,6% in the general population surviving any cancer [8].

Tiringer, 2007 to highlight a characteristic and hardly diagnosable manifestation of the anxiety of oncologic etiology, namely “The syndrome of the sword of Damocles”, expressed through patients' constant fear of aggravation or relapse of the oncological disease, even when these fears don't have a real medical basis any more. [9]

As symptomatology, the following symptoms are manifested: cognitive – fear of death, mental alienation; respiratory – shortness of breath, hyperventilation; cardiovascular – palpitations, hypertension, tachycardia; gastrointestinal – anorexia, digestion disorders; neurological – muscle weakness, tremor, dizziness; or the general ones of anxiety – fear, exhaustion, irritability, insomnia; which usually manifest together with pain symptoms. Consistent with this way of manifestation, of overlapping, most of the times, anxiety can remain undiscovered and untreated [10].

According to international studies, the prevalence of anxious disorders is if 6%-28% at patients with tumor diseases, this percentage remains constant regardless of the location and/or tumor stage [11].

Compared to the time of diagnosis, (Nordin, 2001) it is mentioned that 20-30% of the oncologic patients recently diagnosed, the level of depression and anxiety remains equally high after this time [12]

### **STUDY NO. I/ A.C.N. (the Initials of the Patient's Name)**

Problem: A.C.N, 44 years old female, oncologic patient diagnosed and operated, shows up in the cabinet with a depressive episode.

Objectives:

Determination of causes

In the month of October of year 2016 she was diagnosed with malign tumor, she suffered a surgical intervention, in emergency mode 1 week after diagnosis, and 3 weeks after the malignant typology of the extirpated tumor was confirmed.

Following the confirmation of the diagnosis, the state of depression was established, manifested by the refusal to leave the house and one's own room, social withdrawal, sleep,

nutrition disorders, difficulties in carrying out the daily routine, lack of sense, helplessness, lack of hope.

Eliminating causes that maintain the state of depression

Replacing the coping strategy used by the patient, namely that of avoidance and withdrawal, which is unproductive.

Proposal of an intervention project: detection of cognitive distortions, establishing the stages of concrete change, facing one's own programs that cause suffering, intrusion into the intimacy of the patient's beliefs and beliefs, overcoming the feeling of indecision in order to reach the change of mentality on these "troubles", learning a new way of inner and outer verbalization in the face of difficulties encountered.

## **APPROACH TO THE CASE**

Presenting the case – current situation: In April 2020, the patient presents herself to therapy as a result of the family's insistence and, especially of the awareness of the degree of suffering produced to her two children, of 16 and 12 years old, manifesting the following symptoms: refusal to leave the house and one's own room, social withdrawal, sleep, nutrition disorders, difficulties in carrying out the daily routine, lack of sense, helplessness, lack of hope.

### Psychological evaluation

**DASS 21 R Scale** – After applying the Scale, the patient has obtained a 21-points score for DEPRESSION, it is placed at the upper limit in the range of "severe depression".

For ANXIETY, a 20-points score – extremely severe level

For STRESS, a 20-points score – moderate level

**COPING SCALE** (BĂBAN, 1998): active coping = 16 points; planning = 16 points; eliminating competing activities = 11 points; reluctance to act = 12 points; searching for the social instrumental support = 12 points; searching for the social emotional support = 15 points; positive reinterpretation = 16 points; acceptance = 16 points; denial = 6 points; emotional discharge = 10 points; orientation towards religion = 9 points; mental passivity = 7 points; behavioral passivity = 6 points ; resorting to alcohol-drugs = 1 points

**SOMATIZATION SCALE**: the patient obtaining a score of 61 in the initial test.

#### Medical problems

Miss A.C.N. has had severe medical problems being diagnosed after 3 weeks of investigations with a malign tumor at neck level, which led to physical and mental dysfunctionality.

#### Social relations

Family – extremely tense relations between the patient and her dominant and aggressive father, as well as with the husband who had an avoidant attitude and denial of the patient's problems

Group of friends – although before the diagnosis she has had a lot of Friends, she withdrew herself from social life in order to avoid any type of discussions related to health status

#### History of the problem's evolution

##### 1. Problem's history

During the month of February 2016, the 15 years old patient's daughter has undergone emergency surgery for a suspected ovarian cancer. The one-month period spent in hospital with her daughter until the refutation of the malign diagnosis has physically and mentally affected the patient.

In the summer of the same year, the following physical symptoms started to appear: severe fatigue, malaise, loss of consciousness, permanent feeling of suffocation all these leading to



specialized medical investigations. The results of the medical tests confirmed the diagnosis of follicular thyroid carcinoma with indication of surgical intervention and specialized oncological treatment.

2. History of the disorder's evolution: In 2017, some of the symptoms started to appear, Miss A.C.N. perceiving the described manifestations for more than 6 months.

3. History of intellectual development: normal intellectual development, according to her age and educational training, undergraduate and master's degree.

4. History of physical development: age appropriate, psychosomatic development

5. Family history: Miss A.C.N. with a heredocolateral history of colon neoplasm (mother), melanoma + uterine neoplasm (maternal grandmother), mammary neoplasm (maternal grandmother and maternal aunt), thyroid neoplasm (2 first cousins) and ovarian fibroids (daughter).

6. Social relations history: Until the moment of appearance of medical problems in her daughter's life, the patient's social life has been a great component in her life, both from a family and professional point of view. After her daughter's diagnosis, her social withdrawal was gradual, and after her own surgical intervention and beginning of treatment, the patient has refused total social contact.

Discovering causes

The conflictuality of the family, the tensions in the relations between the patient and her father, psychological aggressions that undermined the patient's need for protection and safety;

Loss of support necessary for the dysfunctional relationship with the husband who has a negative attitude and denial for medical problems of the patient have led to reduction of self-esteem, emotional safety, loss of the necessary support to overcome the given situation and loss of social status.

## **THERAPEUTIC INTERVENTION**

Purpose:

1. identifying the initial list of problems that will be targeted
2. introducing the cognitive model and the way it can be applied to the client by elaborating a clinical conceptualization
3. introducing behavioral strategies: planning activities and gradual work tasks or cognitive strategies: distraction, accounting of thoughts.
4. Identifying Automatic Negative Thoughts through journals, discussions, behavioral experiments.
5. identifying and modifying dysfunctional hypothesis and/or fundamental beliefs, in order to reduce the risk of relapse.

Objectives:

- counteracting negative thoughts, memories and beliefs that maintain depression and make the patient vulnerable to future depressive episodes,
- stimulating assertiveness and developing problem-solving skills in order to improve the relationship with the husband and father and the ability to solve practical problems,
- acquiring productive coping strategies, social reintegration, with impact on dependent personality traits, improving self-esteem.

The patient is taught the cognitive model – she is explained, using numerous examples provided by her, how are her emotional states influenced by the way she thinks. The therapy is as conducted as to offer a structure and necessary help in order to understand this model.

Schemes created by cognitive therapies of depression

- - autonomy – “Asking for help is a sign of weakness”.
- - love – “I can't stand not being appreciated by everyone. Otherwise, it's the sign that I don't represent anything”.

- - performance – “I cannot stand imperfection”
- - the need for approval – “I am afraid to contradict the others. This is how they will reject me”.

These cognitive schemes must be modified by the therapist. The structure of sessions is made according to the Psycho-oncologic Intervention Protocol for affective disorders (anxiety/depression) published in the Guide elaborated by the Ministry of Health in collaboration with the Romanian Society of Obstetrics and Gynecology and the “The Guide of Good Practices of the Psycho-Oncologist elaborated by the Institute of Oncology Prof. Dr. Ion Chiricuță” of Cluj-Napoca and the Surviving Guide of the Patient, conceived by the European Society for Medical Oncology (ESMO) and the European Cancer Patient Coalition (ECPC) in collaboration with the Psycho-Oncology Society (IPOS). Psychological examination with instruments mentioned above took place under the coordination of an authorized clinician psychologist and the therapeutic intervention has been performed by a COPSI authorized clinician psychologist with psycho-oncology training.

When completing the therapy sessions, the patient has been evaluated again with the same tests, and the results are the following:

**DASS 21 R Scale with the following score:** On DEPRESSION = 2 points; On ANXIETY = 3 points; On STRESS = 6 points

**COPING MECHANISMS SCALE:** Active Coping = 16 points; Planning = 16 points; Elimination of competing activities = 11 points; Retaining from action = 11 points; Searching for instrumental social support = 12 points; Searching for emotional social support = 16 points; Positive reinterpretation = 16 points; Acceptance = 15 points; Denial = 4 points; Emotional discharge = 11 points; Orientation towards religion = 8 points; Mental passivity = 10 points; Mental passivity = 7 points; Resorting to alcohol-medications = 1 point

**SOMATIZATION SCALE** – 36 points score, visibly improved compared to the first rating reduced to 50%.

### **PROGNOSIS OF THE PATIENT'S SUBSEQUENT EVOLUTION**

Psychological stage: reducing depressive episodes and stress level

Vigilance strategies, modification of the event's significance, direct modification of the actual terms of the individual-event relationship.

Intellectual status: Resistance to intellectual effort will grow; It will optimize the ability to concentrate attention;

Health status: The health status shall be maintained in age-specific parameters and in relation to oncologic diagnose, radioactive therapy and drug treatment.

Forecast from the point of view of personality: Developing self-confidence; Solving an identity crisis; Regaining self-respect; Social relations: improving the self-image, the patient is going to develop other coping strategies.

Family relationships: to signal improvements at the relationship level with the husband and the father.

In the research approached, we aimed to outline the psycho-emotional status of the oncological patient at the diagnostic stage and we found out that the fear of cancer can lead to the postponement of the referral to the doctor, in the sense that, thus, the patient protects his psyche from the shock of truth, but at the same time the denial of the disease brings serious health damage through the biological consequences. The most stressful period for the patient is the time interval from the detection of "worrying signs", suspected of cancer, to the confirmation of the diagnosis. The patient is scared, restless, anxious, his ability to concentrate

decreases and finding out and confirming the diagnosis causes the most diverse reactions depending on the psycho-character peculiarities of the concrete patient: stress, depression, aggressiveness, suicidal tendencies, denial of the disease or paradoxical optimism.

The study performed has aimed carrying out an approach which allows identifying coping mechanisms and distress level, anxiety and depression at oncological patients recently diagnosed with cancer, as the level of somatization.

The relevance of such research is very high because it can represent the investigated issues, both the basis of a diagnosis approach, but also an important prognosis landmark.

Additionally, based on this complex predictive models, intervention programs – therapeutic intervention models can be developed in order to modulate high-risk predictors and thus the risk for relapse to be diminished.

Through the research carried out, the general objective was achieved, respectively identifying coping mechanisms and also, the specific one – establishing the stress, anxiety and depression level and the level of somatization.

The general hypothesis was also confirmed, that by which we assumed that the newly diagnosed oncological patients will register a decrease in the symptomatology intensity as a result of the support psychotherapeutic intervention.

## REFERENCES

- [1] J Maessen C. H. (2007). A protocol is not enough to implement an enhanced recovery programme for colorectal resection. *British Journal of Surgery*, Volume 94, Issue 2, <https://doi.org/10.1002/bjs.5468>, Pages 224–231.
- [2] Riba M. B. (2019). Distress management, version 3.2019, NCCN clinical practice guidelines in oncology. *Journal of the National Comprehensive Cancer Network*, 17(10), 1229-1249. Mehnert A. H. (2018). One in two cancer patients is significantly distressed: Prevalence and indicators of distress. *Psycho Oncology*, 27(1), 7582.
- [3] Scala de anxietate Hamilton
- [4] (HAM-A), T. E. (2015). rating scale for anxiety (HAM-A). ;65(7):601 *Occupational Medicine*.
- [5] Galindo Vazquez O, B. C. (2015). Psychometric properties of the Hospital Anxiety and Depression Scale (HADS) in a Mexican population of cancer patients. *SALUD MENTAL*. 38(4):25.
- [6] Holland J. C. (2010). *Psycho-oncology*. Oxford: Oxford University Press.
- [7] Mitchell A. J. (2011). Screening for distress and depression in cancer settings: 10 lessons from 40 years of primary-care research. *Psycho-Oncology* Volume 20, Issue 6 <https://doi.org/10.1002/pon.1943>, p. 572-584.
- [8] Tiringner I. V. J. (2007b). Kronikus betegek ellátásának egészségpszicholgiaja. *Egészségpszichologia a gyakorlatban*, 305-331.
- [9] Horvath Z, T. A. (2006a). A daganatos betegek tuneteinek es azok kezelesenek pszichoszocialis vonatkozasai. *Onkopszichologia a gyakorlatban Medicina*, 203-209.
- [10] Noyes R. H. C. (1998). *Anxiety disorders*. Psychooncology Oxford Universty press, New York, 548-563.
- [11] Nordin B. G. (2001). Predicting anxiety and depression among cancer patients: a clinical model. *Eur J Cancer*, 37, 376-384.

# **MEDICINE SECTION**

# Rehabilitation of the Balance Function in Children with Hydrocephalus Through a Hydro-Kinetic-Therapeutic Program

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## Abstract

Hydro-kinetic-therapy is a means of physical therapy appreciated for its special physical and mentally impact, managing to make significant and equal contributions to the recovery of balance, relaxation and well-being to children with hydrocephalus. Hypothesis: The implemented hydro-thermo-kinetic-therapeutic program will develop stability in sitting, improve balance in standing and increase the quality of walking. The period and location of the research: the research was carried out over a period of 14 months from April 2021 to May 2022, within the Rheum Care Târgu-Mureş Foundation. The group of subjects consisted of 12 children diagnosed with hydrocephalus. For the initial, intermediate and final evaluation, 3 specific tests were used: Get up and go, Balance in sitting, Balance in standing. The results obtained by the group of subjects showed progress, which confirmed the hypothesis from which we started in the study, the values obtained demonstrate that the techniques applied within the hydro-kinetic-therapeutic activities led to the improvement of static and dynamic balance with positive equivalences in regarding, walking.

*Keywords: hydro-kinetic-therapy, hydrocephalus, stability, balance, walking.*

## Introduction

The beneficial effects of hydrotherapy on the body are achieved through three categories of factors: thermal, mechanical and chemical [1]

Physiotherapy related to water, hydro-kinetic-therapy, constitutes one of the newest forms of healthcare in continuous development throughout the world. What is special about this type of therapy is the multitude of methods that can be implemented and which most often do not only target the pathology, a certain organ or system, but the entire physical and psycho-social-perceptual-emotional human being. [2]

Hydrocephalus is a syndrome whose appearance is due to the accumulation of cerebrospinal fluid in excess, which will increase the pressure in the anatomical cavity of the brain and will have as a primary consequence the expansion of the cavity.[3] The signs of the pathology are obvious and can be described following an anamnesis that eliminates other possible causes of the symptoms felt: nausea, vomiting, headaches, lethargy, irritability, balance and walking disorders, decreased ability to concentrate, impaired speech. [4]

The benefits of the aquatic environment can be associated so that it maintains its acquired privilege due to the enormous number of stimuli that it naturally offers. Already by simply entering in the water, the body, wrapped in this element, will be exposed to the reception of continuous sensory messages: a constant activity in the water guarantees harmonious and healthy physical and mental growth. [5]

The healing qualities of the water manage to remove the negativity accumulated during the day. Moreover, the human energy system accumulates tension and, like a sponge, at some point

it needs a good squeeze to resume its functionality. Even children need purification baths because they are constantly exposed, more than adults, to hyperstimulation of information and images. [6]

### **Hydro-Kinetic-Therapeutic Techniques**

The widened range of indications, especially in pathologies of the locomotor system, bring hydro-kineto-therapy to the attention of more and more specialized medical personnel, who recommend such procedures. The effects that can be obtained following these types of procedures can be generalized as follows: partial and progressive acquisition of independence, increases the joint mobility, facilitation of movements and gestures in people with psychomotor deficiencies, muscle relaxation, pain relief, secondary vasodilatation, functional movement re-education for different body segments, increasing segmental or global effort capacity. [7]

The kinetics-therapeutic intervention aims at acquiring independence in close connection, in these cases, with balance, control, general development and the child's age. [8]

The main advantages of rehabilitation in water are represented by the reduction of the force of gravity, it makes the most natural and less stressful movements at the level of the joints that allow the execution of inconceivable dry movements and the resistance of the water allows maintaining a uniform muscle tension during the movements and thus promotes restoring muscle tone and flexibility. [9]

At the base of the implemented program was a training trio of motor control: balance, control and coordination. [10] The posture, usually generates the idea of standing, the position of sitting with the arms beside the body, and bipodal contact with the ground. But posture can be associated with a whole series of different positions achieved by motor actions of rebalancing and distribution of motor control tasks. [11] As a process, coordination develops in children through repetition, but can also be trained when performance is pursued. The development of coordination is otherwise possible at any age because it is a process that determines the increase in movement precision when the economy of muscle effort is maximum, that means, the muscles whose activity is useless in that scheme are inactivated. [12] As a complex sense, balance consists in perceiving the position of the head in relation to the body and the body with all its segments and parts in relation to surrounding objects, in certain situations. The position of the head is always mentioned separately because if it is not in balance, neither will be the body or the other segments. [13]

The constant and alternating movements of the lower limbs ensure the movement of the human body and thus the motor skill called walking is born. It is initiated and controlled both by internal forces of the organism represented by muscles, and external, the influence of the environment (gravity, terrestrial or aquatic environment and adhesion to the support surface determined by plantar support). [14]

Hydro-kineto-therapy taking the shape of a game manages to bring excitement, be as engaging as possible and infect children one after another suddenly, like an electric discharge, then it spills over into a vitally important theme of socialization, the positivity of its benefits and formative influences. [15]

**Study Hypothesis:** The implemented hydro-kinetic-therapeutic program will develop balance in sitting, improve balance in standing and increase the quality of walking.

**Period and Location of the Study:** our research was conducted over a period of 14 months from April 2021 to May 2022, within the Rheum Care Foundation Târgu-Mureş.

**The Subject Group:** 12 subjects were included. The inclusion criteria were: chronological age – born between 2006-2008; diagnosed with medically controlled hydrocephalus; without shunt surgery; beneficiaries of kinetic recovery programs; the agreement of the institution where they carry out physical therapy recovery; specialized medical opinion; the consent of the parent/legal guardian; the child's personal consent; the possibility of participating in assessment tests; the possibility of conducting a hydro-kinetic-therapy program; the possibility of the parent's active participation both in the hydro-kinetic-therapy sessions and in the evaluation tests.

To form the homogeneous group of subjects, questionnaires were made based on the listed inclusion criteria.

**Objectives of the Study:** The development and implementation of an individualized hydro-kinetic program, with hydro-kinetic-therapy techniques, the analysis and interpretation of the results and the establishment and formulation of conclusions.

### **Techniques and Means Implemented in the Study**

The hydro-kinetic-therapy recovery program was carried out individually for each individual subject following a careful evaluation of the patient's needs and objectives, as well as the associated diagnoses.

The tendency of the child with disabilities to self-isolate will be taken into consideration, so it is particularly important that he is accompanied by a family member, parent/legal guardian. The physiotherapist will build a bond of trust between him and the child and then the idea of an aquatic, safe, fun and pleasant environment. Thus, the child becomes confident and cheerful, states that promote the storage of experiences. Emotions organize information in our minds, creates a network of association.

In general, everything took place in the form of games with various floating objects made of specific materials of various shapes and sizes (tablets, tubes, sticks, semi-floating mats, floating animals, balloons, balls)

The hydro-kinetic-therapy sessions are made up of three parts: the first 2 parts of a session will always be the same, a routine that restores to the subject's feelings of safety, self-confidence, later most of the children end up remembering and performing by themselves totally or partially, these preliminary steps. The third one varies according to the topic and the objectives proposed that day.

First part: immersion in the pool is preceded by a series of hygiene and safety activities that the subjects will master, this are specific to the environment represented by the pool. It includes personal activities such as dressing/undressing, taking the specific equipment required for the pool, showering, both before and after the hydro-kinetic-therapy session.

Second part: there are a number of techniques aimed at general adaptation to the aquatic environment. These include: entering the water, contact of the water with the body and face, relaxation with the help of special devices or the companion, slides by moving forward with assistance, sliding backwards with assistance, floating with auxiliary support, interaction with parent/caretaker, physiotherapist or other children.

The third part: rehabilitation in the aquatic environment involves performing a series of exercises, which are similar to those that can be performed in the physical therapy room, but with the body partially submerged in water, which allows a greater angle of execution, increased mobility, sometimes impossible angles achieved in the gym can be achieved in the pool. One aspect that it won't be neglected is the ease of their execution due to the very low level of gravitational attraction.

The exercises are divided into four broad categories:

- to improve muscle tone (open chain, eccentric or concentric exercises)

- increasing joint mobility and balance capacity (stretching exercises, exercises with active / passive mobilization, proprioceptive exercises)
- for the recovery of motor patterns (walking / running in suspension. pedaling, jumping, leaping, etc.)
- to increase the effort capacity (closed kinetic chain exercises in shallow water, salt, lunges, lateral movements, etc.)

Open kinetic chain exercises such as the leg extension will typically be performed with the body segment completely submerged in water. These exercises allow selective strengthening of a single muscle group and improve the mobility of a single joint. For this reason, they are usually used in the early stages of the rehabilitation program.

Most closed kinetic chain exercises are usually performed in shallow water because they work multiple muscle groups and joints simultaneously while keeping the distal ends (legs) on the bottom of the pool. Examples of closed kinetic chain exercises are leg push-ups and lunges.

### **Examples of Exercises**

- Seated poolside exercises: dangling the calves, imitating the simple bicycle motion and then using a stick or floating board.
- Will be performed various types of walking, forward, backward, sideways, running in three directions and jumps. All these exercises can undergo some modifications, such as, for example: walk forward with every second step a knee flexion is performed almost touching the abdominal area, or walking with keeping the legs rigid.
- Simple walks along the pool; walking with a floating device under the left or right foot or both in order to create a situation of continuous instability during the various stages of walking.
- In the floating curl, the extension is three times greater, knee flexion-extension, with forward/backward/lateral floating in the curl; the same exercise only with arm supports, or with lifejacket.
- For muscle strengthening; step exercises, flexion-extension of the legs with the support of a floating device, or floating/swimming with lifejacket to increase water resistance, walking with instruments that increase water resistance from specific gestures and movements: adduction and flexion-extension from the foot in vertical position.
- To increase the difficulty of the movement, one can choose to increase the amplitude or speed of the movement, or by changing the auxiliary object used to another with a greater surface or resistance. One can also change the degree of immersion of the body in water; thus, the depth of the dive will gradually decrease as the patient regains lost functionality and comes to tolerate higher loads.

### **Evaluation**

The evaluation was carried out in three stages: initial- before the start of the hydrokinetic program; intermediate- after 7 months from the implementation of the recovery program and final at the end of the hydro-kinetic-therapy program- after 14 months.

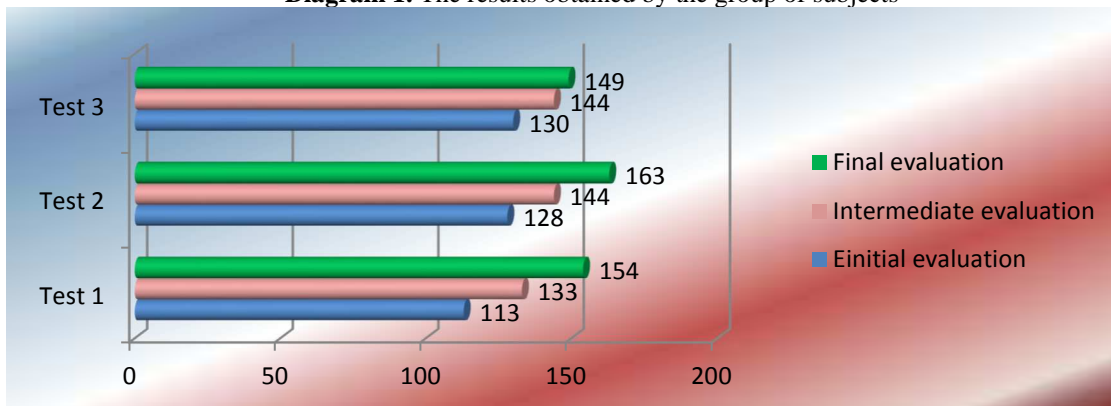
The assessments are based on three types of representative tests for balance and walking: Get up and go test [16], Sitting balance assessment test and Standing balance assessment test [17]

### **Results Analysis**

The statistical processing was carried out in percentage using Microsoft Excel. The homogeneity of the group of subjects was statistically analyzed by applying questionnaires based on the imposed inclusion criteria.

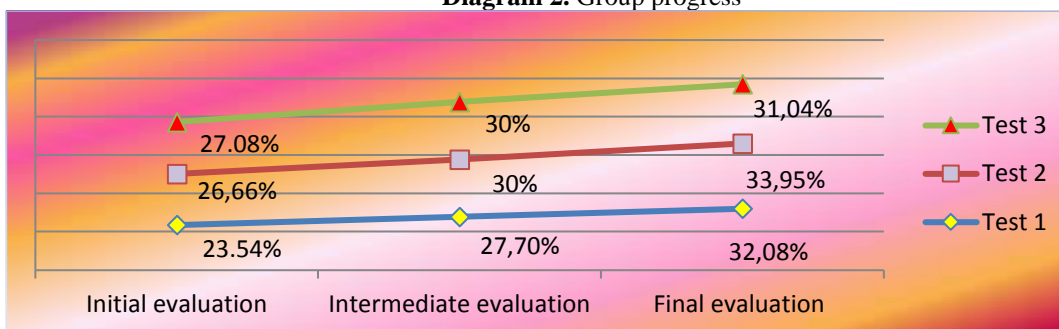


**Diagram 1.** The results obtained by the group of subjects



In test 1 we have progress of 20 points between the initial and the intermediate assessment; progress of 21 points between the midterm and the final assessment; total progress of 41 points between initial and final assessment. In test 2 we have a progress of 16 points between the initial and the intermediate assessment; progress of 19 points between the midterm and the final assessment; total progress of 35 points between initial and final assessment. In test 3 we have progress of 14 points between the initial and intermediate assessment; progress of 5 points between the midterm and the final assessment; total progress of 19 points between initial and final assessment.

**Diagram 2.** Group progress



Knowing that the total for each individual test is 40 points, it was possible to calculate the percentage progress of the subject group for all three tests applied within the 3 evaluations. Thus, the percentage interpretation shows us that the total progress of the group for test 1 is 8.54%, for test 2 it is 7.29% and for test 3 it is 3.96%.

## Conclusions

This study was developed and implemented using hydro-therapeutic techniques. Rehabilitation in the aquatic environment involves performing a series of exercises, which are similar to those that can be performed in the physical therapy room, but with the body partially submerged in water, which allows a greater angle of execution, increased mobility, sometimes impossible angles achieved in the gym can be achieved in the pool. Not to be neglected will be the ease of their execution due to the very low level of gravitational attraction.

Water can produce multiple biological effects due its natural form of energy. These are because of the three dominant specific characteristics of water: source of life, physical means of purification and regeneration, remedy as a therapeutic agent. Perhaps it is no coincidence that the Earth is over 70% water, and the human body is over 50% water, and then it is not

normal for water to be the main remedy used in any type of therapy? It is meant to be a natural medicine in various forms and aspects.

The study we carried out within this research addressed a topical issue regarding the choice of widening the sphere of applicability of hydrotherapy. The rehabilitation of disabled patients must be carried out by competent and adequately trained professionals, their special training will allow the use of water in a medical and scientific way and carrying out the activity by applying appropriate rehabilitation protocols.

The therapeutic effects of hydro-kinetic-therapy can be observed in different systems of the body: indeed, it acts at the level of the central nervous system, the arterio-venous and lymphatic circulatory system, the skeletal muscle system and offers other positive effects on the psychological level, since this particular ecosystem facilitates adaptation to the environment and relationship with other people. Even more we must beware that rehabilitation in water must be approached seriously, it is not enough to perform the movements for the child in a swimming pool to claim that he is doing hydro-kinetic-therapy. Such a program needs to be based on structures of health professionals with expertise in children's diseases, who will work in teams with different health professionals involved. Teamwork and the trusting relationship that will be established with the family will do the rest.

Thus, the hypothesis from which we started in the study of this paper was confirmed, the progress recorded demonstrating that the applied hydro-kinetic-therapy techniques brought to the group of subjects the improvement of sitting balance, developed orthostatic balance and increased walking quality.

## REFERENCES

- [1] Mariana Cordun, (1999), *Kinetologie medicală*, Editura Axa, București, p287
- [2] Pastai Zoltan (2011), *Balneo climato kinetoterapia*, p: 15, 62-69, 106-119, 121-124
- [3] Vasile Marcu, Mirela Dan, (2010) *Manual de Kinetoterapie*, editura Univeristății din Oradea, p 63-67, 156
- [4] V. G. Ciubotaru, Eugen Avram, (2009) *Neuroștiințadizabilității* p.37-40
- [5] Luca Ballo, Irene Astolfi, Elisa Balestra, Giada Rinaldi (2013) *Primimesi in piscina*, Este Edition, Veneto p 13
- [6] Riccardo Palumbo (2009) *subito in acqua*, Red Edizioni, Milano, p11
- [7] F. Plas, E. Hargon (2001) *Kinetoterapie activă, exerciți terapeutice*, editura Polirom, Iași, p.198
- [8] Constantin Albu, Adriana Albu, Alis Vișan (2008), *Universul de mișcare al copilului mic*, Editura Polirom, București, p.250-271
- [9] <https://doctorgeorgianatache.ro/hidrokinetoterapia-creste-mobilitatea-articulara/> accesat în 02.2022
- [10] Corina Matei (2016) *controlul motor în reeducarea echilibrului corporal*, Editura Constantin Romanu-Viviu, Târgu-Mureș, p10
- [11] Nicolae Neagu (2014) *Antropometrie umană, Volumu I*, University Press, Târgu Mureș, P46-48, 53-56
- [12] Tudor Sbenghe (1987) *Kinetologie profilactică, terapeutică și de recuperare*, Editura Medicală, București, p287-288
- [13] Pásztai Zoltan (2004) *Kinetoterapie în neuropediatrie*, Editura Arionda, Oradea p 162
- [14] Constantin Albu, Tiberiu-Leonard Vlad, Adriana Albu (2004), *Kinetoterapia pasivă*, Editura Polirom, București, p 205
- [15] Giuseppe Bovi, Fabio Bovi (2014) *Educazione acquatica –Tutti I colori di una fantastica avventura per l'infanzia*, Calzetti Mariucci editori, Perugia. p 58
- [16] Neagu Nicolae, Simona Făgăraș (2014) *Protocoloale și tehnici de evaluare în fizioterapie și educație fizică și sport*, University Press, Târgu-Mureș, p81
- [17] Vasile Marcu, Corina Matei (2009), *Echilibrul corporal*, Editura Universității din Oradea, Oradea, p11, 63-64, 66-71. 73-76

## Updated Protocols for the Prevention of Dental Caries Designed on the Basis of Fluoride

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### Abstract

Nowadays, fluoride therapy is extremely important, even indisputable, the advantages of the primary protocols in the use of fluoride are exceptional and have a great impact on the quality of life of the patient through the capabilities of fluoride used in prevention, dental demineralization and anti-mycetobian therapy of dental caries. It is necessary to know the therapeutic protocols in the case of fluoride prophylaxis; in the absence of their knowledge, serious accidents can occur that mark the health of the stomatognathic system and the body in general. Tooth brushing is very important to be done daily with the necessary precautions in relation to the toothpaste depending on the age and the severity of the oral pathology. Adjunctive means such as gels, varnishes and special gradual release systems of fluoride are an important part of modern preventive dentistry.

*Keywords: fluoride, prevention, fluorosis, antimicrobial therapy.*

### Introduction

The advantages of the primary protocols in the use of fluoride are exceptional and of great impact on the quality of life, used in prevention, dental demineralization and antimicrobial therapy of dental caries. Of particular importance are the local and systemic application methods and techniques that are intended to allow fluoride to act for a long time on teeth located intraosseous, erupting or erupting located in the plane of occlusion [1].

It is important to know the mechanisms by which fluoride acts on hard dental tissues, but also the local and general effect. When there is an increased level of fluoride in the oral saliva and in the bacterial plaque in the oral cavity, the major effects will be the inhibition of demineralization and implicitly the activation of the phenomena of remineralization of hard dental surfaces. [1,2,3]

The calcium fluoride on the hard dental surfaces that forms as a result of high fluoride concentrations in the oral cavity is a chemical protection that is activated when the pH in the oral cavity drops to acidic values; in these situations, these released fluorine ions will change the hydroxyl ions from the hydroxyapatite composition, leading to the formation of a superficial structure of the enamel that is five times harder and more resistant to acid attack. Fluorine will also interact with the bacteria located at the level of dental plaque, inhibiting their multiplication. [2,3]

Fluorine-based products are currently available on the market in a multitude of pharmaceutical forms and in different degrees of concentration. These concentrations are important and the mode of administration will have to be taken into account depending on the age of the patients and the degree of demineralization in the oral cavity. Fluoride concentrations

can be up to a level that will have a bacteriostatic effect or they can be at high levels with bactericidal effects. [4,5]

Systemic administration of fluoride (tablets, drops) can be done by medical prescription; following specific analyses, the required dose per kg of body is calculated according to general or local needs. The general use of fluoride for the prevention of dental caries is done with caution in order not to create an overdose by summing it up with other external or local sources that would produce fluorosis. Nowadays we have a multitude of substances with topical application for which the risk of general imbalance in the fluorine metabolism is excluded. [6,7]

The daily balanced diet ensures a fluoride intake of 0.25 - 0.35 mg and the water consumed daily can bring a fluoride intake of 1.1 - 1.6 mg. The generally necessary daily intake of 1-2 mg fluoride/day can be achieved in the case of a correct diet and water fluoridation. The application of fluoride can be done topically through several types of products that are currently available on the market: mouthwashes, pastes, gels, varnishes, devices with delayed release of fluoride. These topical applications have a local effect but can also have general effects if they are ingested during their topical application. [8,9]

Toothpaste intended for children will have to have a maximum fluoride intake of 0.04% and toothpaste designed for adults a maximum intake of 16%. The doses indicated for infants between 0-6 months are 0.1 mg/day and for children 7-12 months are 0.5 mg/day. Between 1-3 years the recommended dose is 0.7mg/day, between 4-8 years the recommended dose is 1mg/day, between 9-11 years the recommended dose is 2mg/day and between 14-18 years the recommended dose is 4 mg/day. For adults, the recommended dose for women over 19 years old is 3 mg/day, and for men over 19 years old, the recommended dose is 5 mg/day. [10,11,12]

### Prophylaxis with Fluoride at Home

This prophylaxis is easily achieved, but it requires the implementation of the concept of prevention at a wide level, starting from kindergarten age up to teenagers and young people in different forms of education.

Toothpastes, gels and mouthwash can be used at home, but they are always used according to the age of the consumer.

According to EAPD recommendations (tab. 1), toothpastes with a fluoride concentration of up to 1000ppm are recommended for children under 6 years of age; only in special conditions where we have an increased karyoactivity, the pediatrician recommends a certain toothpaste with a high fluoride concentration of over 1000ppm with up to 1400ppm. After the eruption of the lower central incisors on the arch around the age of 6 years, the recommended dose of fluoride will be up to 1450ppm with the purpose of protecting the erupting teeth. [13,14]

**Table 1**

Age (years)	Frequency of toothbrushing	Fluoride concentration	Amount of toothpaste	
			g	size
≤ 2 years	2 x / day	1000	0,125	Rice ground
2-6 years	2 x / day	1000+ (*)	0,250	Pea size
> 6 years	2 x / day	1450	0,5	Entire length of toothbrush

The amount of flower is indicated in the prospectus by the producing company. We must take it into account and know that the dose of fluoride increases proportionally with the amount of paste used in brushing. Parents who supervise children must be aware and aware of this; so between 6 months and 2 years we have a minimum amount of toothpaste that will be compared

to a grain of rice, the amount increases with age and at 2-6 years we will end up comparing it to a grain of pea. For those over the age of 6 and teenagers, the paste will be able to cover the entire active surface of the toothbrush. [15,16]

It is necessary to implement a daily brushing protocol, of particular importance is the rhythmicity of tooth brushing, which will be done twice a day, in the morning and in the evening. Brushing is indicated 30 minutes after each meal.

In the case of patients with neurological deficits, uncooperative patients, sanitation is difficult but necessary and can be done by caregivers. For patients wearing orthodontic appliances, pastes with 4500-5000ppm of fluoride are used. It is important to respect the time required for brushing, even exceeding it is indicated. [17,18]

Mouthwashes are recommended after tooth brushing for a certain period for an increased effect of fluoride and other components in the oral cavity, with great caution for those with a high alcohol content. We recommend the use of mouthwash only after the age of 6.5 years with the supervision of parents or carers and rinsing will be done later. Mouthwash will not replace tooth brushing in any way. The fluoride concentrations in the mouthwash must not be high, especially in children, in order not to be poisoned by fluoride, the mouthwash for daily use will have a fluoride concentration of 226 ppm/0.6% NaF and the mouthwash used once a week it will have a concentration of 900 ppm/0.2% NaF. [18]

After brushing in the evening, teeth whitening can be done with gels at home; it is a method that must be very well mastered and its application is done with the collaboration of the dentist and only upon his indication. The gel can be applied either with a brush or with special applicators or with a gauze pad. The percentage of fluorides in the gels is 1000 ppm/0.16% NaF and 5000 ppm/0.6% NaF. [18,19]

### **Prophylaxis With Fluoride Performed in the Dental Office**

Nowadays there is a multitude of products with fluoride, with various flavors and with easy application techniques in the oral cavity. The application of these products based on fluoride is carried out under the supervision of the doctor so that dental fluorosis will not occur even if these products have a high amount of fluoride.

Professional fluoridation is indicated for all patients, especially those with neurological problems, those with Parkinson's disease, patients with xerostomia or patients with increased karyoactivity. [19]

Gels, varnishes and special systems with gradual release are the most used in the dental office for professional hygiene.

The gels are very easy to apply, have a fluoride concentration of approximately 9060ppm/2% Na F and can reach levels of up to 12,350ppm/1.24% Na F. These gels are indicated for both children and adults; after applying the gel, a minimum time of 5 minutes is expected. [19,20]

Fluoride varnishes are highly concentrated. Three of the four commercially available fluoride varnishes have a fluoride content of 22.6 mg/ml (22,600 ppm fluoride ion). Over-application is a common mistake and care must be taken to apply only the necessary amount to the surface of the tooth. Lacquer application should be carefully monitored until further data in the literature can prove otherwise. In the state of Texas for example, the application of varnishes is still limited to use only by dental professionals. However, in some states, pediatricians and nurses prescribe it and advocate its use at home. Since patients are instructed not to brush their teeth for 24 hours, most of the varnish applied to the surface of the tooth is ingested. The probable toxic dose for a child weighing 20 kg is about 100 mg (potential toxic dose for fluoride – 5 mg/kg). If 0.5 ml is used in a single fluoride application, the amount of fluoride ingested could reach 11.30 mg. Ekstrand et al., evaluated plasma fluoride concentration and urinary fluoride excretion following Lac Duraphat application. Their studies revealed that urinary

fluoride concentration 12 hours after application was between 500-1,100 pg ion F. These levels are well below the toxic dose [20,21]

Roberts and Longhurst evaluated 128 patients treated by 39 applicators and found that the amount of varnish used was similar and that none of the patients received a toxic dose of fluoride. The EDTA classification (tab 2) makes a grading with the aim of applying varnishes or gels depending on the age of the patients and the risk of carioactivity [13,14, 21]

- < 6 years old - laces
- > 6 years old - varnishes or gels
- Moderate risk of caries - fluoridation is indicated 2 times a year
- Increased risk of caries - fluoridation is indicated 4-6 times a year

**Table 2**

Caries risk	< 6 years old	< 6-18 years old	> 18 years old
Low	±	±	±
Moderate	Varnish with F/ 6 mounts	Varnish/Gel with F/ 6 mounts	Varnish/Gel with F/ 6 mounts
High	Varnish with F/ 3-6 mounts	Varnish/Gel with F/ 3-6 mounts	Varnish/Gel with F/ 3-6 mounts

### **The Increased Level of Fluoride in the Body, Dental Fluorosis and Toxicity**

An increased level taken to excess, kept for a longer period, will determine the appearance of quality defects in the dental enamel during the dental formation period; the consequence of the phenomenon of maintaining fluoride in high concentrations during development is known as dental fluorosis.

- mild fluorosis: concentration of 45-105 µg fluoride/kg/day
- acute toxic dose: 5 mg fluoride/kg
- lethal dose: 15 mg fluoride/kg

Avoiding the risks of fluorosis is done both locally and generally. At the local level, the concentrations of fluoride applied in the dental office, but also at home, are important. At the general level, there must be an exact control of the doses administered, which are established according to the number of kg of each individual child. General sources of fluoride, such as fluoridated salt and fluoridated water, which can increase the concentration of fluoride in the body, must be taken into account. [21]

Products with fluoride must be kept out of the reach of children, who must not be allowed to eat the toothpaste even if it is flavored and tasty. Products with fluoride are indicated only by doctors and with certain precautions depending on the type of prevention and the oral pathological situation. [16]

### **Dental Materials with Fluoride Content**

Fluorine-containing materials are the most interesting and highly rated by dentists precisely because the fluoride is released gradually. With the potentiation of the bacteriostatic effect, these materials are especially indicated for the preventive possibilities offered on a large scale; the use of classic glass ionomer cements as well as photopolymerizable resins based on fluorine allow dental treatments at a high level. [14,18,20]

## Conclusions

The indisputable need for the penetration of fluoride into the body both in general and topical way for the special capacities in maintaining the balance of the dental hard structure exists both during the period of formation and in the period after dental genesis.

It is very important that the tooth brushing is carried out daily, with the necessary precautions regarding the toothpaste that depend on the age and the severity of the oral pathology.

The responsibilities of choosing a treatment plan are shared by both the dentist and the pediatrician, who are meant to be properly informed and follow the latest products and studies in the field. It is forbidden to implement an own treatment plan with varnishes and gels only by parents and children.

The times indicated on the leaflets of the pharmaceutical preparations with fluoride content must be respected in particular in situations of prophylaxis at home. The awareness of parents and young people is necessary related to the correct observance of these indications.

Compliance with the protocols regarding prophylaxis in the dental office is important in achieving a high-level prophylactic treatment with exceptional success.

## REFERENCES

- [1] Seppä L. The future of preventive programs in countries with different systems for dental care. *Caries Res* 2001; 35 (Suppl 1): 26-9
- [2] Oliveira BH. Intraoral slowrelease fluoride devices may decrease the incidence of dental caries in high-risk children. *J Evid Based Dent Pract* 2006; 692: 180-2.
- [3] Al-Ibrahim NS. I. Unilateral versus bilateral placement of slowrelease fluoride glass device. II. In vitro assessment of slow-release fluoride glass device [thesis]. Leeds (UK): University of Leeds; 2007.
- [4] Weyant R.J.; Tracy S.L.; Anselmo T.T.; Beltran-Aguilar E.D.; Donly K.J.; Frese W.A. Topical fluoride for caries prevention: Ex-ecutive summary of the updated clinical recommendations and supporting systematic review. *J. Am. Dent. Assoc.* 2013, 144, 1279–1291.
- [5] Virupaxi S.G.; Roshan N.; Poornima P.; Nagaveni N.; Neena I.; Bharath K. Comparative evaluation of longevity of fluoride re-lease from three different fluoride varnishes—an invitro study. *J. Clin. Diagn. Res.* 2016, 10, ZC33.
- [6] Elkassas D.; Arafa A. Remineralizing efficacy of different calcium-phosphate and fluoride based delivery vehicles on artificial caries like enamel lesions. *J. Dent.* 2014, 42, 466–474.
- [7] Ullah, R.; Zafar, M.S.; Shahani, N. Potential fluoride toxicity from oral medicaments: A review. *Iran. J. Basic Med. Sci.* 2017, 20, 841–848.
- [8] Ji P.H.; Xu Q.L.; Ba Y. Clinical evaluation of fluor protector and glass-ionomer cement used as pit and fissure sealant for pre-venting pit and fissure caries in children. *Shanghai Kou Qiang Yi Xue Shanghai J. Stomatol.* 2007, 16, 374–376.
- [9] Flório F.M.; Pereira A.C.; Meneghim M.D.C.; Ramacciato J.C. Evaluation of non-invasive treatment applied to occlusal surfaces. *ASDC J. Dent. Child.* 2002, 68, 1.
- [10] Tagliaferro E.P.; Pardi V.; Ambrosano G.M.; Meneghim M.D.C.; Da Silva, S.R.C.; Pereira, A.C. Occlusal caries prevention in high and low risk schoolchildren. A clinical trial. *Am. J. Dent.* 2011, 24, 109–114.
- [11] Chestnutt I.G.; Playle R.; Hutchings S.; Morgan-Trimmer S.; Fitzsimmons D.; Aawar N.; Angel L.; Derrick S.; Drew C.; Hoddell C.; et al. Fissure Seal or Fluoride Varnish? A Randomized Trial of Relative Effectiveness. *J. Dent. Res.* 2017, 96, 754–761.
- [12] Bravo M.; Montero J.; Bravo J.; Baca P.; Llodra J. Sealant and Fluoride Varnish in Caries: A Randomized Trial. *J. Dent. Res.* 2005, 84, 1138–1143.
- [13] PhD student, Carol Davila University, Bucharest, Carol Davila University, Bucharest. Fluoride in dentistry: brief updated guidelines for caries prevention. *Romanian Journal of dental medicine*, Volume XXV » No. 2 / 2022.
- [14] Bucur SM, Vágvölgyi SL, Cocos DI, Sireteanu Cucui RM, Vlása A. In Vitro Assessment of gingival Recession in Patients with Bruxism. *Romanian J Oral Rehabil.* 2021;13(4):131-8. ISSN 2066-7000.
- [15] Marinho VCC, Higgins JP, Logan S, Sheiham A. Systematic review of controlled trials on the effectiveness of fluoride gels for the prevention of dental caries in children. *J Dent Educ* 2003; 67:448-58.

- [16]Marinho VCC, Higgins JP, Logan S, Sheiham A. Fluoride varnishes for preventing dental caries in children and adolescents. *Cochrane Database Syst Rev* 2002: CD00279.
- [17]Hamilton IR. Biochemical effects of fluoride on oral bacteria. *J Dent Res* 1990; 69 (sp issue): 660-7.
- [18]Koulourides T. Summary of session II: Fluoride and the caries process. *J Dent Res* 1990; 69 (sp issue): 558.
- [19]Tang L.-H.; Shi L.; Yuan S.; Lv J.; Lu H.-X. Effectiveness of 3 different methods in prevention of dental caries in permanent teeth among children. *Shanghai Kou Qiang Yi Xue Shanghai J. Stomatol.* 2014, 23, 736.
- [20]Cabral R.N.; Faber J.; Otero S.A.M.; Hilgert L.A.; Leal S.C. Retention rates and caries-preventive effects of two different sealant materials: A randomised clinical trial. *Clin. Oral Investig.* 2018, 22, 3171–3177.
- [21]Gugnani N.; Gugnani S. Remineralisation and arresting caries in children with topical fluorides. *Evid. Based Dent.* 2017.



## Updates on the Topographical Implications in the Extraction Decision of the Mind Molars

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### Abstract

The purpose of this study was to correlate the data obtained by clinical examination with the imaging details on the topography of mind molars and to use the radiological information in establishing the extraction techniques of mind molars. The radiological and computed tomography (CT) examination that complements the clinical examination are appreciable paraclinical imaging investigations that allow us to evaluate these molars and also determine the indication of extraction and the surgical method that is required.

*Keywords: mind molar topography, paraclinical imaging examinations, surgical extraction method*

### Introduction

Surgically, the techniques used in the extraction of the mind molar are different depending on the pathology and the degree of development and appearance on the arcade of this tooth, ranging from a simple dental extraction to the extraction of an included molar.

The topography of the mind molar as well as the coronary configuration will determine the choice of surgical technique most appropriate to the clinical situation, taking into account the anatomical particularities of the neighborhood structures as well as the radical morphology, so that at the end the postoperative benefit is maximum for the patient.

Usually, extraction of the mind molar is carried out by a common procedure when the tooth is erupted on the arcade and has a normal morphology. When this molar remains included submucosal or bone, when the topography and morphology of this tooth is problematic by extraction can create difficulties for the dentist, which is why the patient is directed to a dento-alveolar surgeon. Neighborhood reports with anatomical structures like the lower alveolar nerve or maxillary sinus categorically impose intervention of the dento-alveolar surgeon to solve the case under maximum safety conditions for the patient by reducing to zero possible post-operative complications.

Compulsory imaging exploration provides important details on the topography, reports and morphology of this molar, information that will have a determining role in choosing the extraction technique. Complementary imaging studies should provide detailed information on the loco-regional aspect in each clinical setting so as to observe details that cannot be visualized with the naked eye, thus facilitating treatment planning and risk assessment of surgery. The most widely used methods and incidences are: retroalveolar radiography, orthopanthography, Cone Beam Computer Tomography (OPG). [1]

Retro-dento-alveolar incidence radiography: radiography a three-dimensional body (tooth) and transform it into a two-dimensional (flat) image fixed on a radiological film with all the disadvantages that result from this method but specifying finer details such as highlighting the

tooth in its entirety, at real dimensions: the crown, the root and the quality of the bone in which it is anchored. Although widely used, OPG is a global, panoramic dental technique that allows the scrolling on a single film of the images of both dental arcades between the temporomandibular joints, the neighboring anatomical formations (maxillary sinuses, nasal fossa, mandibular canal) provide inaccurate information of those in the retro-dento-alveolar radiography.

CBCT is the most advanced diagnostic radiological investigation, which is used to visualize three-dimensional (3D) images of teeth, soft tissues, nerves and bones provides three-dimensional, axial, sagittal and panoramic images of the dental arch. It is an absolutely necessary diagnostic tool in modern dento-alveolar surgery in terms of the position of the mandibular molar on the size, spatial position of the erupted, semi-included or included mandibular molar, as well as on its relationship with neighboring anatomical structures.

It is clear from the above that the usual use of CBCT in the assessment of the mandibular molar would be preferable, but economic considerations are most often incriminated by patients, resulting in the widespread use of OPT and possibly retro-dento-alveolar radiography or in the tandem use of these two methods of radiological investigation.

The topography of the mandibular molar varies from patient to patient, the vast majority of them are not aligned with adjacent teeth or remain in an inclusive position. In the case of mandibular molars, the topography may be either a full or partial eruption, or may be included in soft tissue, totally or partially included in the bone. The extractive techniques of mandibular molars include a wide range of techniques including simple extraction with pliers, extraction with Lecluse elevator, tooth extraction with root separation, odontectomy. [3] [2]

## Material and Methods

The position on the arcade, the level of eruption and the degree of inclusion of these molars were important decision-makers in the choice of extraction technique. The precise evaluation of its position and relationship to the surrounding anatomical structures is facilitated by radiographic examination. [4] The ratio of the upper mandibular molars to the maxillary sinus is evaluated by an adequate imaging examination of the area evaluating the relationship between these molars and the neighboring anatomical formation. [5] Retro-dento-alveolar X-rays and digital orthopantomographs, as well as CBCT scans, were used for this study.

The patients included in the study in number of 86 presented themselves in the private practice cabinets of the authors in the period 1.01.2021-1.01.2022. They were introduced in the study after the completion of the patient's agreement on the communication of personal medical data, the questionnaire of evaluation of the general condition of the patient and of the patient's agreement informed according to the Decision no. 15 of the Official Monitor, Part I no. 1040 / 23.12.2016 based on addressability. The 86 patients underwent 147 molar extractions of both jaws and jaws by various techniques in relation to the topography of these teeth.

The mandibular molars analyzed were divided in terms of the degree of eruption into mandibular molars present fully on the arch, molars with submucosal or partial/total bone inclusion. Partial dental inclusion is the situation in which the crown of the included tooth is not completely surrounded by bone being separated from the oral cavity only by the pericorony and fibromucosal sac. [2]

Topographically, there are molars of the jaw and jaw. Planning the removal of the third lower molar requires an individual approach, with mandatory consideration of not only the position of the tooth, but also the topography of the causative tooth in relation to the adjacent tooth and the mandibular canal. [6]

## Analysis of the Results

A total of 242 paraclinical imaging examinations (retro-dento-alveolar X-rays and digital GMOs) as well as CBCT-type investigations were analyzed in direct correlation with the objective clinical examination of each patient.

From the statistical analysis we found that the majority of patients respectively 83.72% come from the urban environment and the predominant age ranges 15-24 years 45.35%, 31.40% 25-34 years and only 23.25% over the age of 35 years.

Looking at the imaging investigations that were required in each patient, we found that a total of 243 retro-dento-alveolar X-rays, OPG and CBCT were distributed in the following way: 16.95% retro-dento-alveolar X-rays, 32.24% OPG, 35.11% retro-dento-alveolar X-rays and OPG and only 15.70% CBCT.

The distribution of the mandibular molars on the two arcades found by us was 93 (63.27%) mandibular mand molars and 54 (36.73%) maxillary mand molars.

The topographical imaging evaluation of the mandibular molars revealed that out of the total 147 mandibular molars extracted 11.56% were placed in the normal position, erupted on the arcade and without intimate reports with anatomical structure of the neighborhood. Also, in this regard the percentage of molars included under the mucosa is 17.09%. As for partial bone inclusion it is found in 31.72% compared to 39.63% mandibular molars in bone inclusion total.

Also, in this context were evaluated the reports with neighboring structures, so we found through the study conducted 55.10% mandibular molars without intimate reports with anatomical structure of the neighborhood, 19.73% mandibular molars in tangential or point relation to the lower alveolar canal, 9.12% mandibular molars with one or more roots directly related to the mandibular canal, 13.12% mandibular molars in relation to the maxillary sinus and 2.93% had the roots placed intrasinally.

Mandibular mand molars have also been classified by their 12-year-old position and relationship [2], that is, from the 93 mandibular mand molars

39.79% had punctiform or coronary contact with the second molar.

Evaluation of these parameters in our study together with the objective clinical examination guided us in the decision on the extraction method of mandibular molars so patients in our study group were subjected to the following surgical methods of extraction 23.81% simple extraction with pliers, 8.16% extraction with Lecluse elevator, 15.02% extraction with incision and mucosal suture, 23.45% extraction with root separation / coronary section, 29.56% odontectomy.

## Conclusions

Retro-dento-alveolar and OPG radiological examinations provide only two-dimensional images of teeth and supporting structures, the combination of these methods is most commonly used and does not provide accurate information even if they are performed digitally, as we have found by analyzing the paraclinical imaging explorations of the patients in the lot.

Computer-tomographic investigations of the CBCT type provide high precision information on the size of teeth, bone structure, the presence of pathological formations in close connection with the mandibular molars and a very accurate assessment of their topography.

The topography of the mandibular molars is the decisive factor in the selection of the extraction method

Imaging is absolutely mandatory to complete the clinical examination to choose the optimal surgical method of extracting mandibular molars.

## REFERENCES

- [1] Dogioiu F.C., Luca R., Tonea M, Ghiuta C.E. , Tănase M., Epistatu D.: (2015) , Preoperative imaging assessment for third molars, Romanian Journal of Stomatology- vol. LXI, No 1, 77-83
- [2] Burlibasa C., (1999): Oral and maxillo-facial surgery. Edit. Medical, Bucharest, 259-282
- [3] Bucur A., (2009): Compendium of Oral and Maxillofacial Surgery, Publishing House: Q Med Publishing, ISBN:9789738855373, 77-79
- [4] Fanourakis J, Kamberos S, Kolokoudias M, Zografos J. Topographic, (1990), Evaluation of the impacted mandibular third molar. Radiographic study. Hell Period Stomat Gnathopathoprosopike Cheir. Sep;5(3):115-9.
- [5] PMID: 2130065 Greek, Modern
- [6] Anies A., Mohd S., Imran M., Anurupa S., Gulnaaz A., (2018)
- [7] Topographic relationship of maxillary sinus floor with the posterior teeth roots using panoramic radiography and Cone Beam Computed Tomography (CBCT): Annals of International Medical and Dental Research, Vol (4), Issue (2) ISSN (O):2395-2822; ISSN (P):2395-28 14, 82-86
- [8] Ebrahimifard T, Poorzamani M, Tavakoli M, Varshowsaz M. (2013): The Validity of the Panoramic Radiography in Evaluating the Topographic Relationship between Mandibular Canal and Impacted Third Molars in Comparison with Cone Beam CT-scan, :ZJRMS; 15(1): 28-33

# The Application of Primary Kinetoprohylaxis Techniques to Pregnant Women

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## Abstract

Kientoprohylactic physical exercises, together with relaxation techniques, are widespread and highly appreciated, recommended for pregnant women, offering support to face the stress of everyday life. Hypothesis: the primary kinetoprohylactic techniques when applied, induce a positive emotional state in pregnant women. Research period and location: our research was conducted over a period of 8 months between January 2022 and August 2022, at the Obstetrics and Gynecology Clinic number 1 in Târgu Mureş and the Rheum Care Foundation based in Târgu Mureş. The subject group consisted of 40 pregnant women. For the initial and final assessment, we implemented the STAI form x-1 questionnaire. At the final evaluation, the results were obtained with significant differences from a statistical point of view, which confirmed the hypothesis from which we started in the present study, thus the values obtained demonstrating that the techniques applied within the primary prenatal kinetoprohylactic activities gave the pregnant women in the experimental group, a positive emotional state, which favoured their better adaptation to the stress of pregnancy.

*Keywords: pregnancy, kinetoprohylactic techniques, anxiety, relaxation.*

## Introduction

Becoming a parent in an ever-changing society with the emergence of daily scientific novelties forces them to assume challenges and responsibilities, but this stage will come alongside with immeasurable rewards and joys. The application of kinetoprohylaxis in the context of motor activity specific to the pregnant woman, aims to increase the quality of her life. To optimize the quality of life, more and more branches of science use a multidisciplinary approach such as medical sciences, social-human sciences, psychopedagogy, kinesiology, all having a common point, and all being centred on health care. [1] Antenatal courses of prenatal primary kinetoprohylaxis are increasingly recommended in a healthy pregnancy. By participating in these classes, the pregnant woman learns to relax, breathe properly, thus being encouraged to continue their exercise program also after giving birth. [2] Physical activity, along with positive thinking, throughout pregnancy has benefits for pregnant women's health. Despite the benefits, many pregnant women do not meet the rules of physical activity throughout pregnancy. Therefore, it is important to determine what influences women's activity levels during pregnancy. [3]

## Primary Kinetoprohylactic Techniques in Pregnancy

The connection between the pregnant woman's physical and mental state has also taken shape from the point of view of medical science. More and more useful information has

appeared in this direction. Consequently, positive experiences during pregnancy and birth itself were reported and had the effect of eliminating fear and possible unpleasant or traumatic memories of birth and its effects. [4] Maintaining and improving the capacity for effort, the physical and mental tonus, are important during the prenatal period. In a holistic approach to general medicine and especially to obstetrics, the events, the somatic changes are also viewed from the point of view of the psyche, and thus, in order to ensure optimal development of the fetus and a positive image of the future mother, multidisciplinary teams can provide the necessary materials and a series of specific conditions [5]. Primary kinetoprophylaxis for pregnant women, supports them and provides them with the specific methods and means, both from a physical and psychosomatic point of view. Anxiety and perinatal stress require clear and consistent information from specialists in the field. It has been proven that this is essential, because it leads to the minimization of stress and anxiety during the prenatal period.[6]

The stress experienced by the pregnant woman emanates hormones that transmit direct effects on fetal movements.[7] If during pregnancy, the woman is subjected to long-term intense stress, complications can occur, and even prematurity. [8] Psychomotricity as a science approaches the study of motor functions integrated and coordinated by the psychic ones. In the educational activity, relaxation is how an emotional balance and the mental desire for the movements that will be carried out are guaranteed. Human physical and mental relaxation for a state of rest is achieved through relaxation.[9] To create the emotional climate in which the child will live and develop [10], the pregnant woman must prepare in advance. The great majority of pregnant women, even if they had a cooler and more rational temperament before pregnancy, during this period become sensitive. [11] The states of stress and mental tension of the future mother are harmful, not only to the pregnant woman, but also to the fetus and can negatively influence its development, possibly harming the subsequent physical and mental development of the child. [12] The nine-month pregnancy period brings an emotional state and an increased stress level to the pregnant woman, and childbirth is a stressful event for the newborn as well. [13] The correct application of local, momentary, or short-term and long-term relaxation techniques brings local or general muscle, motor and mental relaxation. [14]

Autogenic training is itself a psychotherapeutic relaxation technique based on the general aspects of the individual's personality. This comes from medical hypnosis and belongs to psychiatrist I.H. Schultz, who sees it as an exercise originating from within the individual. Relaxation methods are widespread and highly valued, recommended for pregnant women providing support to cope with the stress of everyday life. Self-regulation as a method of relaxation produces muscle relaxation and mental calming. [15] During pregnancy, the pregnant woman can face a series of problems such as: low self-esteem, discomfort, and sleep disturbances, fluctuating moods between crying and laughing [16]. If these conditions are not combated, they can lead to anxious states or even depression. The spiritual force that guides the entire process of motherhood comes from the reward of successful pregnancy and birth. [17]

## **Research Hypothesis, Objectives and Methods**

Work hypothesis- the primary kinetoprophylactic techniques, applied, induce a positive emotional state to pregnant women, which favours the parturient adaptation to the stress of pregnancy.

Period and location of the study- Our research took place over a period of 8 months between January 2022 and August 2022, at the Obstetrics and Gynaecology Clinic number 1 in Târgu Mureş and the Rheum Care Foundation, the “Pregnant Women School” program, based in Târgu Mureş.

The batch of subjects **-40 pregnant women** were included. The criteria were: confirmation of the pregnancy by the gynaecology-obstetrics specialist; pregnant women who received the

consent of gynaecologist-obstetrician specialists to participate in the research and accepted to participate in this research; pregnant women who received the consent of gynaecologist-obstetrician specialists to participate in the research and agreed to participate in this research, without accepting participation in the primary kinetoprophylactic activities specially adapted and individualized for pregnant women; pregnant women residing in Târgu Mureş; pregnant women at their first pregnancy; gestational age of 14-16 weeks.

The batch of subjects was divided as follows:

- the experimental group made up of 20 pregnant women who benefited from specially adapted and individualized primary kinetoprophylactic activities.
- the control group of 20 pregnant women who did not participate in the specially adapted and individualized primary kinetoprophylactic activities.

The group of subjects' homogeneity was analysed statistically and from the age point of view.

Work objectives:

- Developing and implementing a primary kinetoprophylaxis program, with psychosomatic techniques, individualized, for prenatal preparation.
- Analysing and interpreting results.
- Establishing and formulating conclusions.

### ***Techniques and Methods Used in the Study***

In addition to the prophylactic physical exercises, the actual physical training, the members of the experimental group benefited from mental training as well, where the same administration phases as in the case of the physical phase were respected, the dosages being used according to the phases in which the pregnant woman was: learning, consolidation, improvement. The techniques applied in the mental training phase were: the Jakobson analytical relaxation method, characterized by the user's awareness of the contraction and relaxation of different muscle groups. The accessibility of this method is the reason why we can also use it in the kinetoprophylactic training of pregnant women. For this type of relaxation, the methodical indications were the following: for the first 3-4 weeks of the prenatal kinetoprophylactic activities, in the learning phase this type of relaxation was practiced then the subjects moved further to the consolidation phase when this was combined with the relaxation of the autogenous training. A pleasant musical setting was used, without lyrics, and the pregnant women were asked to choose the most comfortable positions, either sitting on an armchair or lying on their side on a mattress with their lower limbs placed on a blanket. During the Jakobson relaxation, the induction of any type of tension in the abdominal and pelvic area was avoided.

Administration method:

- During the learning phase, the dosage was of 10 minutes with  $\pm 2-3$  minutes, we did not use the suggestion.
- During the consolidation phase, 10-15 minutes were performed in combination with autogenous training  $\pm 2-3$  minutes.
- Perfecting is the phase where dosing was of 15-20 minutes in combination with autogenous training  $\pm 2-3$  minutes.

Suggestion and autosuggestion:

- Suggestion is the message we convey to a person or a group of people [18], or it can be defined as an action to induce an idea into another person's mind.
- Autosuggestion is the way we form ourselves; we create written, visual or auditory messages that we want to imprint in our subconscious for certain purposes, it is used

consciously, we learn what our own means of autosuggestion are, thus becoming the most powerful means of self-motivation [19].

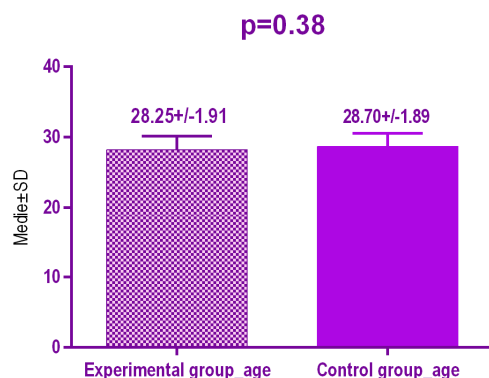
The primary kinetoprophylactic activities implemented theoretically, physically, and mentally, cannot be separated independently when it comes to putting them into practice. The introduction of preventive physical exercises, relaxation exercises, combined with breathing exercises ensures a complete prenatal preparation from the point of view of kinesiology. \

### Assessment (Evaluation)

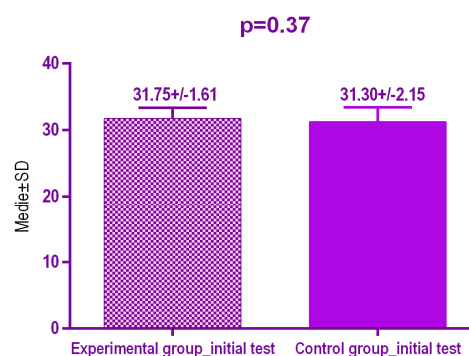
For the objective and correct assessment of the stress specific to the gestational status, we used the following standardized assessment method: the STAI self-assessment questionnaire, form x-1 (State Trait Anxiety Inventory). The STAI self-assessment questionnaire, was used to determine the current, momentary levels of anxiety, induced by stressful experimental procedures, or as an index of the level of self-control. The questionnaire consists of 20 descriptions, and the instructions ask subjects to indicate the way they feel at a given moment. The minimum score is 20 points, and the maximum is 80 points. In this questionnaire, the descriptions were rated reverse: 1, 2, 5, 8, 10, 11, 15, 16, 19 and 20. [ 20]. The testing was applied to our group of subjects of pregnant women, as an initial test at a gestational age of 16-18 weeks, while the final test being applied at a gestational age of 35-37 weeks. We mention that the assessment for the control group was implemented by specialists within the clinic.

### Analysis of the Results

The statistical processing was carried out with GraphPad Prism v.6.0. Parametric tests were applied for paired and unpaired data, and non-parametric tests for unpaired data. The statistical significance threshold chosen was  $\alpha=0.05$ ,  $p$  being considered significant when  $p \leq 0.05$ . The homogeneity of the group of subjects was analysed statistically and from the point of view of age. In graph 1., we present the statistical analysis of our group, according to the age criterion



**Fig. 1.** Statistical analysis of age



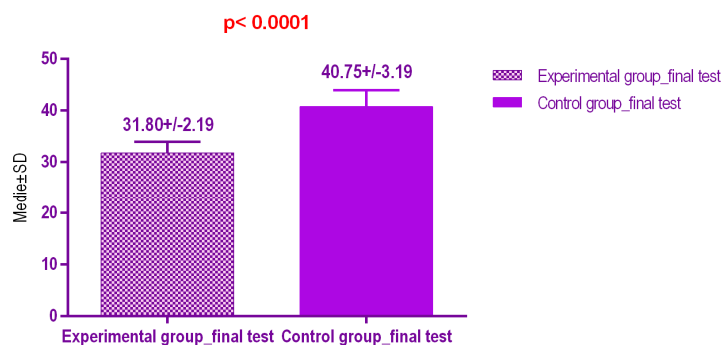
**Fig. 2.** Statistical analysis of the initial evaluation

The age of the two groups does not differ significantly from a statistical point of view, because we obtained the value of:  $p=0.38$ . When applying the STAI form x-1 questionnaire at the gestational age of 16-18 weeks, there were no statistically significant differences between the two groups, i.e., the anxiety threshold of the pregnant women was approximately equal. In graph number 2, we present the statistical analysis for the initial testing, where we obtained the value of:  $p=0.37$ . At the final tests at the gestational age of 35-37 weeks following the application of the STAI questionnaire form x-1, results with statistically significant differences were obtained, i.e., the control group showed a lower stress tolerance and certain signs of



anxiety, insecurity and vulnerability appeared. In graph number 3, we present the statistical analysis for the final testing.

The control group shows a significantly higher level of anxiety than the experimental group, the average of the test results being higher in the control group vs the experimental group,  $p < 0.0001$ ,  $40.75 \pm 3.19$  vs.  $31.80 \pm 2.19$ .



**Fig. 3.** Statistical analysis of the final evaluation

## Conclusion

This study was developed and implemented using prenatal primary kinetoprophylactic techniques, which resulted in the pregnant woman maintaining and improving her quality of life. The orientation of the program applied by us aimed to have, in addition to the beneficial effects of primary kinetoprophylaxis on the pregnant woman, positive effects on the mental state too. The study we carried out as part of this research addressed a sensitive topic because a pregnant woman will always require permanent care and special attention from all the people involved in the birth process, starting from the parents and continuing with the entire team of specialist doctors and physiotherapists. Primary kinetoprophylaxis techniques and prophylactic breathing exercises, strictly customized, based on the real needs of the pregnant women (beneficiary of the Pregnant Women School) were applied, which led to the reduction of pregnancy-induced anxiety as well as decreased susceptibility. Participating in the Pregnant Women School program allowed the beneficiaries to be more confident, more self-assured and to look towards the unknown future, towards childbirth, with a marked optimism that led to an improvement in the quality of their life.

Prenatal primary kinetoprophylactic activities, focusing mainly on relaxation exercises, were implemented with instructional-educational means, strictly customized. The application of this model helped the expectant mothers in the experimental group to acquire and use conscious relaxation methods when needed, which led to a better maintenance of mental balance and a more optimal relaxation capacity even if the gestational age increased in comparison with that of the subjects from the control group. As the gestational age increased in the control group, the ability to relax decreased, which led to a state of insecurity; we believe that once the moment of birth was approaching, an unknown fact for the pregnant women, their inability to relax was more frequent and this led to signs of insecurity. The psycho-somatic relaxation techniques, correctly acquired by the beneficiaries of the Pregnant Women School, led to the reduction of anxiety induced by pregnancy which brought along the increase of self-esteem and the decrease of susceptibility. Thus, the hypothesis from which we started in the present study was confirmed, the obtained values demonstrating that the primary kinetoprophylactic techniques, applied, induced the pregnant women in the experimental group, a positive emotional state, which favoured a better adaptation of the parturient to the stress of pregnancy.

## REFERENCES

- [1] Dan M. (2005) *Introduction to occupational therapy*, Oradea Univ. Publishing House
- [2] Odendaal H. (2000) *Prenatal conduct*, under the editorship of prof. dr. Munteanu, Ioan, Treatise on obstetrics Romanian Academy Publishing House, Bucharest
- [3] McKeough R. & Blanchard C., & Piccinini-Vallis H. (2022) *Pregnant and Postpartum Women's Perceptions of Barriers to and Enablers of Physical Activity During Pregnancy*, J Midwifery Women's Health. 2022 Jul;67(4):448-462. doi: 10.1111/jmwh.13375. Epub 2022 May 27. <https://pubmed.ncbi.nlm.nih.gov/35621324/>, accessed: September 2022
- [4] Gaskin I. M. (2009) *Útmutató szüléshez*, Jaffa Publishing House, 2<sup>nd</sup> edition, Budapest
- [5] Chitulea P. (2000) "Notions of psychosomatics in obstetrics", edited by Prof. dr. Munteanu, Ioan, *Treatise on obstetrics Romanian Academy Publishing House, Bucharest*
- [6] McCarthy, M. & Houghton C., & Matvienko-Sikar, K.(2021) *Women's experiences and perceptions of anxiety and stress during the perinatal period: a systematic review and qualitative evidence synthesis*, BMC Pregnancy Childbirth.2021Dec6;21(1):811.doi:10.1186/s12884-021-04271, <https://pubmed.ncbi.nlm.nih.gov/34865642/>, accessed October 2022
- [7] Cole M., & Cole S., R. (2006) *Fejlődéslélektan*, Osiris Publishing House, Budapest
- [8] Roth, M., & Vincze A. E. (2010) *Bevezetés a fejlődéslelektanba*, Presa Universitară Clujeană Publishing House
- [9] Albu C., & Albu A., & Vlad T. L., Iacob I. (2006) *Psychomotricity*, Iași European Institute Publishing House
- [10] Enachescu C. (2008) *Treatise on mental hygiene*, Polirom Publishing House, Iasi
- [11] Barbosa, E. & Taranto, M. (2012) *Mama fitness szülés után*, Sziget Publishing House, Szelszardi Nyomda KFT
- [12] Stan L. (2016) *Child development and early education*, Polirom Publishing House, Iasi
- [13] Mărginean C., O., & Togănel,R. & Cucerea M., Borka-Balas B. et al (2013), *Pediatrics - course notes*, University Press Târgu Mureș
- [14] Pásztái Z., & Pásztái A. (2001) *Therapies, techniques - complementary methods of relaxation and decontracture used in physical therapy*, Logos Publishing House, Galati
- [15] Holdevici I. (2015) *Clinical hypnosis*, Trei Publishing House, Bucharest
- [16] Holdevici I. (2011) *Anxiety Psychotherapy Cognitive Behavioural Approaches*, University Publishing House, Bucharest
- [17] Dick-Read, G. (2006) *Childbirth without fear. The principles and practices of natural childbirth*, Printer & Martin Ltd. London
- [18] Young Y. E. (2017) *Therapy centred on cognitive schemas*, Romanian Association of Cognitive Sciences Publishing House
- [19] Coué É. (2017) *Self-mastery through conscious autosuggestion*, Dynasty Books
- [20] Badeliță O. (2014) *S.T.A.I. form X1 and S.T.A.I. form X2 – anxiety evaluation questionnaire*, <http://terapiepebune.blogspot.com/2014/01/stai-forma-x1-si-stai-forma-x2.html> , accessed: 01.2022

## The Sinusitis Due to Odontogenic Cause

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### Abstract

International studies reported an annual incidence of sinusitis of 13.5% for general population. At the same time, the prevalence for women between 20-39 years (20,3 %) is double reported to the values recorded for men (11,5%) because of the closer connection of the female sex with young children [1]. We considered opportune this study, taking into account the fact that sinusitis of odontogenic cause is often treated as a rhinogenic one and the treatment is often ineffective. Only if we cure the dental out-break we can consider the odontogenic sinusitis cured.

*Keywords: odontogenic sinusitis, maxillary, treatment*

### Introduction

The sinusitis refers to an acute or chronic inflammation of the nasal passages and their adjacent cavities. This condition is more common in adults because the anatomical dental structures have direct connections with the anatomical structures of the maxillary sinuses. For this pathology, the maximum incidence is between 26-40 years, taking into account the increased frequency of complications generated by dental caries. In odontogenic sinusitis, an infectious focus is necessarily present at the level of the sinus teeth: the 1<sup>st</sup> molar (most often involved) the 2<sup>nd</sup> molar, the 2<sup>nd</sup> premolar, the 3<sup>rd</sup> molar, the 1<sup>st</sup> and less often canine teeth.

The infections of teeth located in the vicinity of the maxillary sinus that can produce sinusitis under certain conditions are:

- acute marginal periodontitis
- osteitis of the alveolar process
- radicular cysts
- deep periodontal pockets
- periodontal surgery, apical resections, extractions with the accidental opening of the maxillary sinus
- traumatic endodontic treatments, failed canal fillings or exceeding the apex with instruments used during treatment
- post - extraction curettage but the pushing of root debris in sinus cavity.

### *Symptoms of Odontogenic Sinusitis*

In the early stage, odontogenic sinusitis is usually asymptomatic. If a dental treatment was followed, it is possible that the symptoms will not appear immediately. This response depends a lot of the immune response and the reaction to foreign bodies. There are situations when sinusitis starts after only a few years.

The symptoms of odontogenic sinusitis do not differ from the symptoms of rhinogenic sinusitis:

- pain and inflammation in the sinus area
- nasal congestion and breathing difficulties
- purulent or mucopurulent secretion
- headaches, especially when bending forward
- affecting the smell
- body temperature above 39 C

But the most important aspect of the odontogenic sinusitis is the fact that only one sinus is affected, the sinus associated with toothache or dental treatment. Treatment of sinusitis due to odontogenic causes is only possible after the removal of the dental inflammatory focus.

## Material and Methods

There monitored 28 patients diagnosed with odontogenic sinusitis in the acute, subacute, or chronic phase. The patients were clinically consulted, and then the presumptive diagnosis was certified by radiographs of the maxillary sinus. Following these investigations and the antibiograms from the nasal section, drug treatment consisting of an antibiotic, anti-inflammatory +/- antimycotic was instituted.

For the 28 patients tested following the antibiograms performed from the sinus secretion, the following germs responsible for the pathological process were highlighted: *Staphylococcus aureus*, *Streptococcus pneumoniae*, *Haemophilus influenzae*, *Prevotella*, *Escherichia coli*.

In infections with *Escherichia coli*, *Haemophilus influenzae* and *Staphylococcus aureus* the combination of amoxicillin 875 mg + clavulanic acid 125 mg (2 x 1 / day for a period of 7 days) was preferred. Amoxicillin has a broad bacterial spectrum, but is inactive against penicillinase-secreting staphylococci. For this reason, it is associated with clavulanic acid (produced by *Streptomyces clavulagerus*). Clavulanic acid is weakly active antibacterial, but is an effective inhibitor of beta-lactamases secreted by staphylococci and part of beta-lactamases secreted by some gram-negative bacteria.

In the infection with *Prevotella* spp antibiogram demonstrates the best efficiency for chloramphenicol, which inhibates its action to inhibiting the synthesis of microbial proteins. In attaches to the 50S subunit of the 70S bacterial ribosomes 70S, stopping the formation of peptide chains.

For the treatment of infection with *Streptococcus pneumoniae*, a combination of cefixime (3<sup>rd</sup> generation cephalosporin) and ofloxacin was preferred. The choice of this antibiotic was preferred, taking into account the fact that the respective patient had a diagnosis of bilateral pneumonia and a superinfection with *Candida albicans*. Cefixime has a broad bacterial spectrum including many gram-negative and gram-positive bacterial germs and is stable against beta-lactamases. Because, in addition to *Streptococcus pneumoniae*, *Staphylococcus aureus* was also identified, this association with ofloxacin was chosen, which is very effective in *Staphylococcus aureus* infections [12].

The fungal sinusitis, that is incriminated in many cases of chronic sinusitis does not respond to the antibiotic treatment, antifungal treatment and corticosteroids being necessary.

Depending on the results of the antibiogram in sinusitis due to the odontogenic cause, quinolones (ciprofloxacin or ofloxacin), respectively 2<sup>nd</sup> or 3<sup>rd</sup> generation cephalosporins (cefuroxime, cefodoxine, cefixime) are also effective. It is also useful to use fluidizers of nasal secretions especially in the form of aerosols [4, 10].

In addition to antibiotics, a non-steroidal anti-inflammatory drugs, such as beta-piroxicam or meloxicam was found every time in the treatment plan. A.I.N.S has an anti-inflammatory effect by inhibiting the biosynthesis of prostaglandins having a selective effect especially on cyclooxygenase 2.

At the same time, the local treatment has an important role, which refers to the administration of nasal decongestants to facilitate the elimination of purulent secretions, the toilet of the nasal passages, aerosols with corticosteroids administered intranasally, inhalations with various volatile oils and nasal aspirations to eliminate infections.

In the cases of chronic sinusitis under study, the patients were recommended to use inhalations with mixtures of essential oils, respectively to use the tablets with volatile oils.

Essential oils are useful in reducing sinus congestion, decongesting the nose and stimulating sinus drainage. For this purpose, the most useful are the volatile oils of: eucalyptus, mint, oregano, sage, lavender, rosemary [2, 6, 9].

To use the essential oils in sinusitis they are first diluted, and then inhaled by direct inhalation of their steam or by using a diffuser.

Plants extract and teas with antibacterial proprieties are very important for stimulating the immune system. The following plants can be listed in this category: ginger, cat's claw (*Uncaria tomentosa*), garlic, goldenseal, echinacea, elderberry.

### ***Evolution and Possible Complications of Maxillary Sinusitis***

Maxillary sinusitis due to odontogenic cause can be complicated by the spread of the infection to the other sinuses (pansinusitis), osteitis of the sinus bone or of the jaw, genital or orbital abscesses.

The prophylactic treatment consists in the timely resolution of all dental and periodontal diseases of the premolars and upper molars. Their extractions will be done with minimally invasive techniques, the post-extraction wounds will have to be correctly treated.

In acute sinusitis of odontogenic cause, the causative tooth will be extracted following a specific antiseptic and antibiotic treatment. In the absence of adequate medical treatment, acute sinusitis becomes chronic.

In chronic sinusitis due to dental causes without communication oro-sinus communication the cause will be suppressed by dental extraction, or if there is also communication between the oral cavity and the maxillary sinus that maintains sinusitis, surgical treatment is instituted – radical sinus cure.

For patients with comorbidities, in the absence of a specialized treatment, serious complications can occur that can endanger the patient's life: These would be:

- orbital cellulitis or orbital access
- osteomyelitis of the flat bones of the skull and jaw
- brain abscess, epidural abscess, subdural abscess
- thrombophlebitis of the cavernous sinus
- septicemia [3,5,8].

The specialty literature reports, especially for patients with various comorbidities complications such as brain abscess following chronic maxillary sinusitis, but the highest prevalence is in the case of septicemia generated especially by sphenoid sinusitis (2,7%).

Children with sinusitis are more prone to complications than adults and the symptoms of inflammation of the eyelids or cheeks can suggest periorbital or facial cellulites, a fact that requires urgent referral of the patient to the specialist doctor [1].

## Conclusions

After the administration of antibiotic, anti-inflammatory or antimycotic treatment (in the case of superinfection with fungi) in all 28 cases, the sinusitis was remitted but only with the resolution of the dental outbreak we can consider cured the maxillary sinusitis of odontogenic cause. On the other hand, ignoring the dental cause can explain the failure of treatments of some sinusitis considered rhinogenic.

Considering the large number of cases that have appeared lately, we are justified in suspecting an iatrogenic etiology as a result of the dental treatments administrated.

The etiological factors most often incriminated were: post-extraction root remnants, root fillings exceeding the apexes, complications caused by the incorrect insertion of dental implants, apical periodontitis not diagnosed in time.

As we demonstrated in the case of the odontogenic etiology, it is imperative to solve the dental problem.

## REFERENCES

- [1] Balk M., Engels E., Zucker D. (2004). *Strategies for diagnosing and treating suspected acute bacterial sinusitis*. Journal of General Internal Medicine
- [2] Federspil P., Wulcow R., Zimmermann T. (1997). *Efficacy of myrtol standardized in the therapy of acute sinusitis. Results of a double-blind randomized placebo controlled multicentered trial*. Laryngo-rhino-otologie, 76 (1), pg 23-27
- [3] Hariri M.A., Vice P.A. (1990) *Septic shock and death due to occult sinusitis*,104. (12), pg 990
- [4] King M.L., Sanchez V.G., Bartoces M. (2018). *Antibiotic therapy. Duration in US adults with sinusitis*. JAMA Internal Medicine
- [5] Lopes B., Mirage L., Vieira J., Stefanini R. (2011) *Nasocomial sinusitis is an intensive care unit: a microbiological study*. Brazilian Journal of Otorhinolaryngology. 77(1), pg 102-106
- [6] Rajinder S., Sushini M., Belkheir A. (2015) *Antibacterial and antioxidant activities of Mentha piperita L*. Arabian Journal of Chemistry, 8(3), pg 322-328
- [7] Rimal D., Hashmi H., Prinsley P.R. (2006) *An unusual presentation of sphenoid sinusitis with septicemia in a healthy young adult*. Emergency Medicine Journal, 23 (6)
- [8] Riou B., Rimailho A., Anzepy P. (1986) *Septicemia following maxillary sinusitis: a rare complication of nasotracheal intubation*. Ann Fr. Anesth Reanim. 5pg 83-84
- [9] Seyed A.R., Morteza M., Marzieh Q. (2020) *Effect of oregano oil (Origanum vulgare L.) on chronic rhinosinusitis: A randomized double-blind, clinical trial*. Indian Journal of Traditional Knowledge, 19(2), 2020
- [10] Slavin R.G., Sheldon L.S., Bernstein L.I. (2005) *The diagnosis and management of sinusitis: A practice parameter update*, pg 162-169
- [11] Sousa M., Lanca A., Sepulveda C., Pereira E. (2017) *Brain abscess in a patient with chronic sinusitis*. BMJ Case Reports,
- [12] Stroescu V. (1995) *Bazele farmacologice ale practicii medicale*, Ed Medicala, pg 1156.

# Loss of Traumatic, Non-Penetrating Substance of the Dental Crowns - Clinical Aspects and Therapeutic Management

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## Abstract

Injury through dental trauma is common and is the best-known etiology in young people in producing lesions with single/bilateral incisional angle affections in young patients. The concern of the dentist involved in the treatment of dental trauma without a pulp interest is to offer patients the opportunity to benefit from the most effective and aesthetic possible treatment solutions, in the long and short term. Relative to the size of the missing dental fragment and the lack of interest in the tooth pulp is restored through adhesive procedures. The purpose of this study was to present some clinical aspects of dental trauma without pulp interest and the therapeutic possibilities to restore the morphology and functionality of a fractured tooth in which the pulp vitality is not immediately affected.

*Keywords: dental trauma, pulp damage*

## Introduction

Direct adhesive aesthetic restorations from photopolymerizable composite, liner with calcium hydroxide / photopolymerizable composite allow the restoration of extensive coronary damage, and also can be obtained the remodelling of coronary morphology (shape, size, color) in the desired sense in accordance with the correct functional principles.

According to the classification of Spina S. (2002): there was a classification of 4 classes (A-B-C-D) and 3 sub-classes (b1-c1-d1): class A: comprises all simple fractures of the enamel involving a messial or distal crown angle, or just the incisional edge; class B: comprises all enamel-dentine fractures involving the messial or distal crown angle and the incisional edge; class C: comprises all enamel-dentine fractures involving the incisional edge and at least one third of the crown surface; class D: comprises all enamel-dentin fractures, involving the messial or distal coronary angle and the incisional or palatinate surface, with the impairment of the root cement (root-crown fractures). Subclasses b1-c1-c1-d1 specify the exact degree of interest pulpara and tissue, facilitating the adaptation of the method of treatment to the clinical case itself. [1] [2]

The treatment of coronary fractures without pulpar involvement class I Ellis affecting mainly enamel and to a small extent dentin is carried out by smoothing the fractures, local fluorination followed by clinical and radiographic control at 4 weeks. [3]

The treatment of coronary fractures without pulp involvement class II Ellis aims at the following stages: cleaning the remaining dental tissue (enamel or dentin), sealing the dentin (where clinically required), restoring the affected substructure through adhesive techniques, clinical and radiographic control at 8 weeks and one year. [1] [3]

Since no restorative material can in the long term biologically replace natural dental structures, keeping them as high as possible is important through non-invasive restorative treatments. Dental sealing is carried out with cement-type liners containing calcium hydroxide applied to the dental area closest to the pulp, possessing antiseptic action - calcium hydroxide dissociates into calcium ions and hydroxyl ions. They increase the alkalinity of the products (pH-12,4) and confer antiseptic, bactericidal properties, neutralizing acids and destroying acidophilic flora. [4]

For dental fractures without pulp interest treatment aims at aesthetic and functional restoration of the traumatized tooth while preserving pulp vitality. The restoration of the shape and size of the tooth is conditioned by: color, opacity, translucency, fluorescence and opalescence. At present the most predictable technique uses a silicone palatal compliant guide that allows the doctor to assess the size and thickness of the layers of composite resin to be applied. It also allows choosing the degree of opacity or translucency depending on the restored structure, dentin or enamel. [3] [4]

In cases of coronary fracture without pulp damage, the clinical situation allows the application of composite material without a prior preparation, but only on the basis of a bevel whose mode of realization must be correlated with the aesthetic appearance and the amplitude of the respective restoration the adhesion area of the material to the enamel will be all the more ample as the demand to which the restoration will be exposed. [5]

The photopolymerizable composite restoration goes through the specific steps: acid etching, conditioning and proper restoration [6]

## **Material and Methods**

The patients included in the study group were therapeutically solved in the private practice offices Medident SRL-Targu Mures and CMI Smardent-Iasi between 01.2021 - 1.07.2022. They were introduced in the study after the completion of the patient's agreement on the communication of personal medical data, the questionnaire of evaluation of the general condition of the patient and the patient's agreement informed according to Decision No. 15 of the Official Monitor, Part I No. 1040 / 23.12.2016.

The participants in the study were chosen on the basis of their addressability to the clinic as well as on the basis of the request for dental treatments motivated by restoring the aesthetics and functionality of the affected tooth and who responded positively to the request for dispensarization. Exclusion criteria: patients who did not want to be included in the study, patients in whom dental trauma was of interest and dental pulp / root.

Thus, a total of 31 patients with different ages, backgrounds and educational levels were selected.

The clinical examination was accompanied by retro-dento-alveolar radiography, due to which the degree of interest of the dental tissues (enamel, dentin) as well as the distance to the pulp room and its integrity was assessed. Radiographic evaluation was assessed in all patients of the group the lack of pulp damage, which was one of the selection criteria of the patients for the study. Vitality tests were also applied to assess the lack of pulp damage.

The materials used for the specific therapeutic treatment were: FluoroDose 0,3 ml (Centrix), Calcimol LC (Light-Curing)- VOCO- Germany, Filtek Ultimate Professional Kit, Filtek Bulk Fill Restorative, Zeta plus light / oranwash Kit.

Dentin desensitization has been performed by local applications with FluoroDose.

The pulp protection was achieved by using a calcium hydroxide Calcimol LC preparation and by stimulating neodentinogenesis processes to achieve a barrier between trauma and dental pulp with the ultimate goal of preserving dental vitality.



For the adhesive restoration of the lack of dental substance were used the composites Filtek Ultimate Professional Kit, Filtek Bulk Fill Restorative microhybrid composite materials for universal restorations, with very good resistance to abrasion and friction with chameleonic effect. The production of the silicone template was carried out with Zeta low viscosity condensing silicone plus light/oranwash.

## Results and Discussion

The predominance of male subjects of 61.3% compared to 38.7% of female patients support the current statistics that male sex is more exposed to such traumatic lesions. [7]

Dental sensitivity to physical and chemical agents was assessed by objective clinical examination and was directly proportional to the degree of interest of the dentin. In patients with light trauma only with enamel damage and sensitivity was absent and with the damage of the dentin layer was directly proportional to the thickness of the remaining dentin layer. Traumatized teeth are sensitive to temperature variations, pressure and dehydration due to exposure of dental tubules. [6]

Dental trauma patients with no heart disease aged 16-43 years could be systematized in the following age ranges 58.06% 15-24 years, 29.04% 25-34 years and 12.90% 35-44 years, which highlights the incidence of dental trauma at very young ages.

The etiology of trauma was varied and represented by :accidental fall 38.71%, 12.90% sports accidents, 16.13% bicycle accidents, 16.13% road accidents, 9.68% violent altercations, 6.45% trauma by domestic violence. From this distribution it appears that dental trauma without pulp damage is produced predominantly by accidental fall and to the least extent due to domestic violence, and bicycle and road accidents are present in an equal proportion.

Dental trauma without pulp involvement can interest the dental substructure in various variants being located only in the enamel or also enamel and dentin: an approximate face and angle 19.35%, both approximate faces and angles 54.85%, incisal edge without affecting approximate angles 6.45%, incisor margin combined with one/two approximate angles +one/two approximate faces 19.35%.It is obviously observed that the highest percentage is represented by a category of patients in which the trauma affected both approximate faces and the corresponding angles 54.85%.

Dental trauma without pulp involvement can have different depths depending on the distance to the pulp chamber, according to this criterion it can be located: exclusively in enamel 22.58%, in enamel and dentin 45.16%, in enamel and deep dentin at the edge of the pulp chamber 32.26%.

The presence of dental hypersensitivity and pain have structured our group in patients who experienced mild pain 64.52% and patients with manifest hypersensitivity 35.48%.

The depth of the trauma accompanied by the slightly painful phenomena correlated with the analysis of the radiographic examination for the assessment of distance from the pulp chamber led us to apply the first layer with Calcimol LC for the isolation of the dental pulp. We noted that this therapeutic workmanship addressed a percentage of 58.07% patients compared to 41.93% patients who achieved local fluorization with FluoroDose.

Coronary recovery was achieved by the following methods: direct obturations applied after local fluorization 41.93%, 36.47% direct obturations applied over a layer of Calcimol LC, 21.60% direct obturations made with silicone guide applied over a layer of Calcimol LC. Color matching was performed in harmony with neighboring teeth and respecting the stratification in case of obturations made with silicone guide.

The first clinical assessment of the patients was performed within 4 weeks evaluating pulp vitality by specific tests and it was found that 87.09% were within normal limits at the remaining 12.91% a painful response was observed that slightly yielded. The subsequent

evaluation was performed within one year after the injury and was found to be 22.58% vitality tests had a poor, positive response, 9, 68% of vitality tests were negative and 37.74% of vitality tests were positive.

These X-ray results confirmed that not all traumatized teeth had a positive clinical response to the treatment.

Clinical evidence one year after the onset of trauma has shown that in very young and young patients tooth vitality was preserved compared to clinical outcome cases was not as expected which was at the upper end of the age range.

The satisfaction of the patients included in the study after adhesive restoration of dental trauma without pulp involvement can be summarized as follows: 87,09% very satisfied patients, 12.91% satisfied patients.

## Conclusions

Prompt specialized dental treatment is decisive for long-term tooth health. Therapeutic attitude in dental trauma without pulp interest depends on the amount of tissue lost. In minor cases a simple contouring is sufficient. If the fractured fragment is missing, direct restoration with composite resin is carried out by different techniques required by the clinical situation.

The etiology of dental trauma without pulp interest is aimed in order accidental fall, bicycle accidents, road accidents, violent altercations, domestic violence. The number of patients equally affected by bicycle accidents and road accidents that amount to a significant percentage of the total number of patients demonstrate that the two causes are prevalent in the etiology of dental trauma without pulp involvement. Any dental trauma without dental pulp involvement will be clinically and radiologically monitored to detect any pulp complications and apply appropriate clinical treatment.

## REFERENCES

- [1] Pagadala S, Tadikonda DC (2015). An overview of classification of dental trauma. *AIMS*; 2(9): 157-164
- [2] Spinis E, Altana.M. (2002). A new classification for crown fractures of teeth. *J Clin Pediatrician Dent. Spring*; 26(3): 225-31.
- [3] Nazarie S., Birgaoanu A. (2013): *Cariologie-Notes de course*, Apollonia Publishing House, Iasi :153-158.
- [4] Andrian S. (2003): *Restorative treatment in young patients in Juventostomatology - under the editorial office of Burlui V., Vol.2*, Publishing House: Apollonia, Iasi: 202, 212
- [5] Hugo B. (2009): *Esthetics with Resin Composite.Basics and Techniques*, Quintesence Publishing Co.Ltd.London, Berlin, Chicago: 19-46
- [6] Chirila L. (2012): *Clinical and therapeutic aspects of dental periodontal trauma. Dent- Project co-financed from the European Social Fund through the Sectoral Operational Program Human Resources Development 2007-2013. Invest in People, Surgery Guide*:17-23
- [7] Memon, M., Al Absi, M., Siya, Z., Memon, A. and Shaikh, A. (2020) Analysis of Types and Causes of Traumatic Dental Injuries to Permanent Dentition among Patients Attending Tertiary Care Hospital of Pakistan. *Open Journal of Stomatology*, 10, 211-217. doi: 10.4236/ojst.2020.108020.

## All-on-6 Immediate Supra-Implant Prosthesis, Case Report

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### Abstract

The all-on-four treatment concept was developed to maximize the use of residual bone available in atrophic jaws, allowing immediate function and avoiding regenerative procedures that increase treatment costs and patient morbidity, as well as the complications inherent in these procedures.

The protocol uses four implants in the anterior part of fully edentulous jaws to support a temporary, fixed and immediately loaded prosthesis. We talk about All on Six when the specialist places 6 implants instead of 4. The technique is the same, but in this case, we always address patients who suffer from total edentation, but who want to have a complete dental arch. The authors present a case of diffuse periodontitis with maxillary tooth mobility.

*Keywords: dental implant, all-on-six, immediate prosthetic rehabilitation*

### Introduction

Most of the anterior implants are axially positioned, while the two posterior implants are distally inclined to minimize the length of the cantilever and allow the application of prostheses with up to 12 teeth, thus improving masticatory efficiency. [1,2]

Brånemark's original prosthetic-surgical protocol included the placement of four implant retainers to restore a resorbed mandible and 6 implant retainers on mandibles showing minimal to moderate resorption as a prelude to later trends. [3,4]

Immediate loading procedures for edentulous jaws have become very popular with both clinicians and patients. High survival rates and a low incidence of complications demonstrate the predictability of implant treatment, regardless of the loading type involved. The challenge today is not to demonstrate functionality, but rather to develop simple and inexpensive protocols. [5,6]

Current standards in dental implantology aim to provide prosthetic restorations with the best aesthetic and functional results. Several parameters have been suggested to achieve gold standard results: adequate bone height, width, sagittal projection, adequate soft tissue quantity and quality, preservation of buccal sulcus and papillae, and gingival contour. [7,8]

Very often these patients use total removable prostheses, i.e. dentures. This solution, although still widely used, causes various inconveniences such as:

- negative effects on chewing
- irregular and degenerative movements of the mouth
- bone reduction
- psychological repercussions in the most serious cases.

All on Six implantology was born to overcome the forced choice of dentures and to finally be able to count on fixed teeth that guarantee long-lasting stability and comfort. During this intervention, the specialist will apply the prostheses directly in the toothless arches resting on

the residual bone. In this way, grafts of a complex nature, both biologically and economically, will be avoided. [9,10]

Presentation of the case 67-year-old male patient with poor oral hygiene, untreated atypical swallowing in adolescence, cancellous bone with reduced cortex. Not edentulous. [11,12]



**Fig. 1.** Silent pathological history, no allergies, heavy smoker.

The patient was offered surgery with the All-on-six technique after quitting smoking, improving oral cavity hygiene, and with serial extractions.

The patient was checked for re-evaluation at four weeks. When checking, evaluate the correct execution of previous prescriptions; an indication was given for the execution of the intervention with the All on six0technique. Informed consent was collected; At the same time, impressions of the upper and lower dental arches were collected with alginate and positioned with EVOBITE.

Dental-Scan was prescribed to the patient after the application of EVOBITE.



Based on the DentalScan result, the digital planning for implant positioning was carried out.



The feasibility of placing 6 implants in the following areas was established:

- 11 diameter 3.70 length 10 mm
- 13 diameter 3.70 length 15 mm
- 15 diameter 3.70 length 15 mm
- 21 diameter 3.70 length 11.5 mm
- 23 diameter 3.70 length 13 mm

There was a preference for the use of tapered implants with aggressive threads for primary stability after the evaluation of implant success rate and the presence of a weak basal bone component.

The surgical DIMA was obtained from the Dental Scan to highlight the positioning of the implants with their axis and three para-crestal PINs. [11,12,13]



We did a prophylactic antibiotic therapy with Amoxicillin/clavulanate, 0.20 chlorhexidine mouthwash, and corticosteroid therapy with Betamethasone two days before surgery; we proceeded to the serial extraction of all the teeth present in the upper jaw after local anesthesia with lidocaine with 2% adrenaline 2 ampoules associated with articaine plus 2% adrenaline 2 ampoules.

Alveolar curettage and subsequent positioning of the implants were performed, in the case examined the implant site was insufficiently prepared with a final 2.8 mm drill for the subsequent use of a 3.6 mm drill only for the coronary area in order to have a bigger major stability and avoiding fractures and cortical compression. [13,14]

This technique stabilized the 6 implants at a torque of 60.

The MUAs were positioned at a torque of 35 and subsequently, the transfers were positioned in situ for the subsequent imprinting phase.



Healing abutments were placed.  
In this case, gentamicin ointment was applied to the healing plugs for bacterial prophylaxis.



The mask gets from the impression made in the preliminary phase was positioned.



The template was further filled with condensing silicone to reproduce the dental arch using the Master model.



Upon completion, an OPT check was performed; it showed the correct placement of the implants according to the previous digital design.



After X-ray verification, the milled bar connecting the implants was positioned.



Once the correct positioning of the bar was assessed, the prosthetic rehabilitation phase was moved on; a composite prosthesis with pink flange was fabricated.



Finally, the screw-retained prosthesis was applied to the patient's oral cavity using 15 Torque screws.



The patient was monitored every 4 weeks for the first 24 weeks, then had semi-annual check-ups with Toronto removal for tissue evaluation and eventual recasting of the prosthesis.

After five years, the presence of keratinized tissue without infectious pockets can be observed; index of implant success and maintenance of good oral hygiene and abstinence from smoking as initially indicated.





The “All-on-4/All-on-6” treatment concept appears to be an alternative option for the rehabilitation of edentulous jaws compared to advanced surgical approaches without the use of removable dentures. It is a cost-effective procedure that reduces treatment time, and morbidity and allows for a better quality of life for the patient.

In the examined case, the patient was edentulous in the beginning, but the treatment showed a good result in terms of aesthetic and functional improvement with a low intraoperative risk and improvement of the quality of life in about 72 hours.

## REFERENCES

- [1] Safe approach in “All-on-four” technique: a case report. Marouene Ben Hadj Hassine 1, Paolo Bucci 2, Roberta Gasparro 2, Alessandro Espedito Di Lauro 2, Gilberto Sammartino 1
- [2] Maxillary and mandibular all-on-four implant designs: A review. Durkan R, Oyar P, Deste G. *Niger J Clin Pract.* 2019 Aug;22(8):1033-1040. doi: 10.4103/njcp.njcp\_273\_18.
- [3] The all-on-four treatment concept: Systematic review. Soto-Penalosa D, Zaragoza-Alonso R, Penarrocha-Diago M, Penarrocha-Diago M. *J Clin Exp Dent.* 2017 Mar 1;9(3): e474-e488. doi: 10.4317/jced.53613. eCollection 2017 Mar
- [4] Comparison between all-on-four and all-on-six treatment concepts and framework material on stress distribution in atrophic maxilla: A prototyping guided 3D-FEA study.
- [5] Bhering CL, Mesquita MF, Kemmoku DT, Noritomi PY, Consani RL, Barão VA.
- [6] A retrospective clinical study of edentulous patients rehabilitated according to the 'all on four' or the 'all on six' immediate function concept. Pomares C. *Eur J Oral Implantol.* 2009 Spring;2(1):55-60.
- [7] [Clinical study of immediate post-extraction implant and immediate function in edentulous patients]. DI P, Lin Y, Li JH, Qiu LX, Chen B, Cui HY.
- [8] John Cavallaro<sup>1</sup>, Shota Tsuji<sup>2</sup>, Tzu-Shan Chiu<sup>2</sup>, Gary Greenstein<sup>3</sup> - Management of the Nasopalatine Canal and Foramen Associated With Dental Implant Therapy, *Compend Contin Educ Dent* 2016 Jun;38(6):367-372; quiz 374.
- [9] William C Scarfe 1, Allan G Farman, Predag Sukovic - Clinical applications of cone-beam computed tomography in dental practice, *J Can Dent Assoc.* 2006 Feb;72(1):75-80.
- [10] WC Scarfe, 1 B Azevedo, 1 S Toghiani, AG Farman 1 - Cone Beam Computed Tomographic imaging in orthodontics, 2017, *Australian Dental Journal*; 62:(1 Suppl): 33–50.
- [11] Anindita Saha<sup>1</sup>, Adrita Roy Chowdhury<sup>2</sup>, Anasua Debnath - Role of CBCT in the Diagnosis of a Rare Dental Anomaly Associated with Supernumerary Teeth: A Case Series, *International Journal of Contemporary Medical Research*, ISSN (Online): 2393-915X; (Print): 2454-7379 | Volume 8 | Issue 1 | January 2021.
- [12] Luciano Augusto Cano Martins, Polyane Mazucatto Queiroz, Yuri Nejaim, Karla de Faria Vasconcelos, Francisco Carlos Groppo and Francisco Haiter-Neto - Evaluation of metal artefacts for two CBCT devices with a new dental arch phantom *Dentomaxillofacial Radiology* Vol. 49, No. 5 Published Online: 16 Mar 2020.
- [13] Letícia Queiroz Mauad, Paulo Victor Teixeira Doriguêto, Daniela de Almeida, Karolina Aparecida Castilho Fardim, Alessiana Helena Machado and Karina Lopes Devito - Quantitative assessment of artefacts and identification of gaps in prosthetic crowns: a comparative in vitro study between periapical radiography and CBCT images *Dentomaxillofacial Radiology*, Vol. 50, No. 3 Published Online: 17 Sep 2020 <https://doi.org/10.1259/dmfr.20200134>.

- [14] Daniela Brait Silva LADEIRA, Adriana Dibo da CRUZ, Solange Maria de ALMEIDA -Digital panoramic radiography for diagnosis of the temporomandibular joint: CBCT as the gold standard, Braz. oral res., São Paulo 2015, vol. 29 no.1, <http://dx.doi.org/10.1590/1807-3107BOR-2015.vol29.0120>.
- [15] Dr Bahman Rasuli and Dr Gagandeep Singh et al. - Gorlin-Goltz syndrome, <https://radiopaedia.org/articles/gorlin-goltz-syndrome-1>.

## Treatment Hypomineralization Lesions (WSL) Using a Novel Approach with Icon® - Case Series

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### Abstract

**Purpose:** The main purpose of the study is to investigate the effectiveness of the treatment of WSL, which are the manifestation of the demineralization of the structure of the tooth enamel. This treatment to repair the tooth structure and the aesthetic problem it creates for patients.

**Materials and methods:** this study aims to evaluate the effectiveness of Tagma-based resin on white spot lesions, using the use of Icon infiltrant, a resin that uses capillarity to fill the lesion.

**Results:** Icon® allows you to mask these lesions in a micro-invasive way since mechanical enamel removal is not necessary.

#### Conclusions

The treatment of fluorotic spots with Icon® is a microinvasive, short and painless treatment option that improves aesthetics and can also be applied in young patients.

*Keywords:* Icon, hypomineralization, prevention

### Introduction

White opacities have always been a major concern of esthetics for patients and can have varying etiology. In general, white discolorations of enamel might be due to dental fluorosis, early caries (white spot lesions), developmental defects etc. White tooth discoloration can result from a number of factors and are usually a concern of esthetics for patients. In general, white discolorations of enamel might be due to dental fluorosis, opacities due to early caries called as white spot lesions (WSL's) and other opacities for example-developmental defects. (Kielbassa AM, Muller J, Gernhardt CR (2009) Closing the gap between oral hygiene and minimally invasive dentistry: a review on the resin infiltration technique of incipient (proximal) enamel lesions Quintessence International 40(8) 663-681). They are characterized by a beginning of demineralization in which the mineral component is seriously diminished and replaced by organic fluids, clinically evident with the presence of a white-chalky patch at the level of the enamelled surface, dentine is never involved. (Richard Field, The case of the disappearing spot. A clinical case report highlighting the benefits of Icon smooth Surface for the treatment of labial white spot lesions. DMG) Enamel demineralization leads to enamel crystal dissolution, which creates pores between the enamel rods. This results in alteration of the refractive index in the affected area, that leads to loss of surface shine and alteration in the internal reflection resulting in greater visual enamel opacity.

Such lesions frequently get formed in patients who have undergone fixed orthodontic treatment, as the fixed orthodontic appliance complicates daily oral hygiene maintenance and increases the risk of subsequent enamel demineralization.

These lesions may or mayn't represent the cariological problem but are always a concern of esthetics and are frequently called as orthodontic scars.

Other factors such as poor oral hygiene, xerostomia, high caries index, systemic diseases, taking medications such as high-dose tetracyclines, especially if taken by the mother during neonatal life. etc. also lead to the formation of white spot lesions. These lesions are generally the precursors of frank enamel caries and hence the treatment of such lesions should aim upon both improving the esthetics and prevention of caries progression.

The other main cause of white opacities is dental fluorosis. Fluorosis is a clinical manifestation of chronic exposure to high intakes of fluoride during tooth development. Although fluoride from any source can cause fluorosis, high concentration of naturally occurring fluorides in drinking water has been reported as the main cause.

The sign of dental fluorosis ranges from opaque white flecks to unsightly dark brown spots to pitting. This difference in the severity of dental fluorosis depends on when and for how long the exposure to high fluoride levels has occurred, patient's age, weight, nutritional factors, and individual response.

Regarding the pathogenetic mechanisms of fluorosis, they have been examined by two of the leading experts in this field, Aoba and Fejerskov (Aoba T, Dental Fluorosis: Chemistry and Biology, 2002). According to these authors, it is likely that the hypomineralization of the enamel of fluorotic teeth is mainly due to the effects of fluoride on the removal of the protein matrix, amelogenin, in the maturing enamel.

In particular, fluorine would interfere with the activity of calcium-dependent proteases in the early maturation stages and above all, on the rate of division of the protein matrix and on the rate of removal of maturing enamel degradation products.

Fluoride is one of the most important caries-preventive agents in dentistry. Nevertheless, a chronic exposure of too high fluoride intake during tooth development can lead to fluorotic spots on the tooth surface. Especially high concentrations of naturally occurring fluorides in drinking water seem to be the main cause for fluorosis.

Histologically, fluorotic enamel is characterized by hypomineralization, resulting in porosities of the tooth (sub-) surface. The appearance of these spots varies from opaque whitish to unsightly brown spots or even pitting, dependent on the duration and time point of high fluoride exposure during tooth development as well as patient related factors (e.g. patient's age or individual response).

The main consequence of dental fluorosis is compromised esthetics. Especially when front teeth are affected by dental fluorosis dentists often are confronted with the patient's demands of esthetic improvement as the appearance of these areas can be compromising. Treatment options include bleaching in case of mild forms, moderate forms of fluorosis can be treated with enamel microabrasion. Severe cases can require composite fillings or even veneers (2, 4). Infiltration of these fluoride spots with Icon® is an alternative treatment option to mask these compromising areas on the tooth surface. In young patients, dentists might want to avoid dental bleaching as well as more invasive treatments. Icon® is not only minimal- but microinvasive and can also be applied on young teeth. The low viscosity resin of Icon® occludes the lesion porosities. As a result, the lesions are masked.

According to an official study of 1986 conducted in the United States the prevalence of fluorosis of the Enamel among children was 22.23% (of which: 1.1% moderate, 0.3% serious). From the mid- 80s, the

prevalence of fluorosis in children aged 12 to 15 years is increased up to 41% in 2004. In the past it was a mild type of fluorosis, while today the moderate / severe type is increasingly widespread, which affects 3% of US adolescents. (Connett, M. (2012). Dental fluorosis in the U.S. 1950-2004. Taken from Fluoridealert.org.)

Conventional treatment options available for kind of opacities include non-invasive and

invasive approaches. A new “micro-invasive” technique has been introduced as an alternative therapeutic approach that improves such opacities esthetically, in a single sitting, is painless and exhibits no complications.

## Materials & Methods

This study is designed to evaluate the effectiveness of the Tagma-based resin on white-spot lesions at the Dental Clinic Department of Stomatology, Dimitrie Cantemir Campus University, Târgu Mureș, România

Patients are recruited according the following inclusion criteria: presence of white-spot lesions on vestibular surfaces of the teeth, patients over 7 years, presence of carious lesions limited to enamel, without cavitation (depth of lesion up to D1). The exclusion criteria instead are: deep lesions D2-D3 or in the presence of cavitation of the enamel, allergy to one of the components or contact allergy.

## Operational Protocol of the Treatment of Smooth Surfaces in the Presence of White Spot Lesions

Before the treatment with Icon the teeth must be cleaned and a liquid or rubber dam must be applied to protect the gums. By switching to etching with Icon-Etch for at least two minutes the pseudo-intact layer on the enamel surface is removed.

The lesion is then dried with Icon-Dry. With this step the hygienist can predict the success of the treatment: in fact, if, after applying the ethanol the lesion disappears for a few moments, you can proceed with the infiltration of the resin. Otherwise, you have to go back to the etching step, which should be repeated for a maximum of three times.

At this point Icon-Infiltrant is used which penetrates deep into the lesion by capillary action. This step is repeated twice to ensure complete impregnation and the certainty that the surface is hermetically sealed. During the application of the infiltrating resin, it is necessary to avoid the direct light of the dental unit lamp on the lesion, to prevent the Icon-Infiltrant from drying up early. Before proceeding with the photopolymerization of the resin it is necessary to ensure that there is no excess material. At the end of the treatment the surfaces involved are polished to reduce the risk of discoloration. Only after a week the tooth returns completely hydrated and the white spots will no longer be visible, even at a close distance.

It is good to document the situation before and after the intervention with photographs to allow the patient to recognize the result.



**Fig.1:** Initial situation of the fluorotic spots before treatment with Icon®. Especially the appearance of the teeth 21 and 11 were esthetically compromising

Fluoride is one of the most important caries-preventive agents in dentistry (1). Nevertheless, a chronic exposure of too high fluoride intake during tooth development can lead to fluorotic spots on the tooth surface. Especially high concentrations of naturally occurring fluorides in

drinking water seem to be the main cause for fluorosis (2).

Histologically, fluorotic enamel is characterized by hypomineralization, resulting in porosities of the tooth (sub-) surface (1, 3). The appearance of these spots varies from opaque whitish to unsightly brown spots or even pitting, dependent on the duration and time point of high fluoride exposure during tooth development as well as patient related factors (e.g. patient's age or individual response) (2).

The main consequence of dental fluorosis is compromised esthetics (3). Especially when front teeth are affected by dental fluorosis dentists often are confronted with the patient's demands of esthetic improvement as the appearance of these areas can be compromising. Treatment options include bleaching in case of mild forms, moderate forms of fluorosis can be treated with enamel microabrasion. Severe cases can require composite fillings or even veneers (2, 4). Infiltration of these fluoride spots with Icon® is an alternative treatment option to mask these compromising areas on the tooth surface. In young patients, dentists might want to avoid dental bleaching as well as more invasive treatments. Icon® is not only minimal- but microinvasive and can also be applied on young teeth. The low viscosity resin of Icon® occludes the lesion porosities. As a result, the lesions are masked (3).

### Clinical Case Report

An eight years old male patient with whitish and chalky spots on his upper front teeth applied to our dental office with his mother. He was suffering from his classmates' mocking due to the appearance of his teeth 11 and 21. In addition to that his mother raised concerns about the chalky appearance of these spots when her child gets up in the morning. After detailed examination dental fluorosis was diagnosed and it was assumed that the reduction of saliva moistening of the patient's teeth during the night promotes the chalky effect in the morning. In order to terminate the patient's psychological strain due to compromised esthetics we suggested an Icon® treatment to mask the fluorotic lesions.



Fig.2: After polishing the teeth with pumice the resin barrier Opaldam Green (Ultradent®) was applied in order to isolate the working field and to protect the gingiva which both is mandatory when using Icon®.



**Fig.3:** To condition the surface Icon Etch was applied for 2 minutes. The etching gel was removed with water spray for 30 seconds and the surface was dried. The etching step was repeated 4 times. Especially with fluorosis it is often necessary to repeat the etching step several times to gain sufficient access to the lesion body.



**Fig.4:** In the next treatment step Icon Dry was applied for 30 seconds. Immediately after the wetting with Icon Dry the operator gets a preview of the masking effect. If the lesions do not diminish the etching step should be repeated.



**Fig.5:** After 30 seconds the surfaces were thoroughly dried with oil free and water-free air. The chalky appearance becomes more apparent due to the drying with Icon Dry

Next Icon infiltrant was applied and it was set for 6 minutes. Excess material was removed with a cotton wad and dental floss before it was light cured for 40s. This infiltrant step was repeated letting the infiltrant set again for 3 minutes before excess removal and light curing. Polishing was performed with Flairesse medium (DMG®) and Enamel Shiny Micerium polishing kit (Micerium s.r.l.). The fluorotic spots on both central front teeth are completely masked.



**Fig. 6:** Clinical situation 3 months after Icon® treatment. The situation is stable, the lesions on the teeth 21 and 11 are masked completely.

## Discussion

Fluorotic spots can be a burden for patients as they often compromise esthetics. The clinical treatment goal of this kind of tooth discoloration should be achieving an acceptable esthetic result as conservatively as possible. Icon® enables to mask these lesions in a microinvasive way as no mechanical enamel removal is required. The surface is just eroded with the Icon Etch to get access to the lesion. Compared to microabrasion or conventional restorative treatment options Icon® is less invasive. Furthermore, the treatment time is shorter compared to other treatment options which can be an advantage in children with less compliance.

Though in the same way as in some bleaching and enamel microabrasion techniques it has to be considered that the treatment result is dependent on the severity of the fluorotic spots. In some cases, an improvement but not a completely masking of the spots can be achieved (3).

## Conclusion

Treating fluorotic spots with Icon® is a microinvasive, short and painless treatment option which improves esthetics and can be applied also in young patients.

## REFERENCES

- [1] Aoba T, Fejerskov O. Dental fluorosis: chemistry and biology. *Critical reviews in oralbiology and medicine: an official publication of the American Association of Oral Biologists.* 2002;13(2):155-70.
- [2] Gugnani N, Pandit IK, Goyal V, Gugnani S, Sharma J, Dogra S. Esthetic improvement of white spot lesions and non-pitted fluorosis using resin infiltration technique: series of four clinical cases. *Journal of the Indian Society of Pedodontics and Preventive Dentistry.* 2014;32(2):176-80.
- [3] Munoz MA, Arana-Gordillo LA, Gomes GM, Gomes OM, Bombarda NH, Reis A, et al. Alternative esthetic management of fluorosis and hypoplasia stains: blending effect obtained with resin infiltration techniques. *Journal of esthetic and restorative dentistry: official publication of the American Academy of Esthetic Dentistry [et al].* 2013;25(1):32-9.
- [4] Cocco AR, Lund RG, Torre E, Martos J. Treatment of Fluorosis Spots Using a Resin Infiltration Technique: 14-month Follow-up. *Operative dentistry.* 2016;41(4):357-62.



# **SOCIO-HUMAN SECTION**

# Key Factors Involved in Online Language Learning. A Case Study

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## Abstract

The pandemic of the previous years has forced both students and teachers to adjust to online activities, to overcome endless obstacles and find adequate solutions according to students' needs. Language teachers, in particular, had to be extremely resourceful in their attempt to create the appropriate environment during online classes for a better communication with students.

*Keywords: online learning, language learning, language teaching, student satisfaction*

## Introduction

Recent years have brought about changes in all areas of life. Education in general, and foreign language learning in particular has shifted even more than before towards new ways of learning, online learning platforms and digital learning. In language learning this does not represent an entirely new way of education, since the existing literature on technology and language learning reveals that information and communication technology (ICT) confirms it and points toward a pattern of positive effects. Developments in online learning have been validated and put to use more than ever with the outbreak of Covid-19. However, it is important to highlight that foreign language teachers had overcome shortcomings of traditional teaching methods by incorporating appropriate technologies, strategies and online tools prior to the pandemic. This paper aims to shed some light on students' experiences related to learning English online and identify potential areas where methodological improvement may increase not only educational efficiency but also emotional comfort for both teachers and students alike.

## Literature review

The advantages of online language learning as an effective method in the acquisition of foreign languages have been identified by language teachers and researchers, and have drawn their attention towards two important aspects of communicative language teaching - creating student-centred and open-ended learning environments.[1] The communicative approach represents the making available abundant information and most effective theoretical model since the 1970s and attempts to make language learners understand social meanings and communicative functions of linguistic forms by focusing on natural language learning strategies, open-ended activities (role-plays, simulations in communicative situations, information gap exercises). [2]

Online language learning has been used since the early 1990s, and initial research on the topic analysed to what extent online classes were more effective than traditional face-to-face learning, or how blended learning benefits language learning. White's 2006 review of 10 years of online learning represents a milestone in online language learning research. She identifies

key areas of online language learning that are still relevant today: course development, course evaluation, teaching roles, learner support, learners' contributions. [3] Blake's 2011 study also confirms that virtual classes provide learning environments and tools that lead to successful second language development, with a focus on gaming and the notion of play as a viable way to stimulate language learning. [4] Gamification, defined as the application of games in non-game activities [5],[6] has been a useful tool not only in pre-university education, as one might expect, but also in higher education. [7],[8] Whether it was points, badges, progress measuring or any other gaming elements that were applied during classes, the purpose was to increase students' motivation and engagement in the learning process for better performance. Joint university projects have been created to encourage the academic world to include modern technology and new teaching methodologies in their curricula and course design (<https://en.cantemir.ro/relatii-internationale/erasmus/proiect-humn/>). A great number of applications can be used to attract and motivate both teachers and students. Kahoot.com, a game-based learning platform providing true-false quizzes or multiple-choice questions, is just one of the numerous applications that students can use on their own devices for more attractive, competitive learning

More recent studies are concerned with meaning-making in digital communication, getting to know the learners (learner diversity, learner characteristics, learner preferences in online environments, online teaching and teacher training).[9]

The review of literature points towards the existence of some basic features that successful online language learning should possess –providing authentic contextualized activities, using as point of reference expert thinking and performance, making available opportunities for practical reflection, offering plentiful information and multiple points of view, constructing knowledge cooperatively, clarifying thinking, and coaching. All these prerequisites provide foreign language learners with increased motivation, an authentic language learning environment, meaningful social interaction and collaborative learning.

## Research Results

This paper aims to describe the challenges of online adult language learning and teaching at Dimitrie Cantemir University of Targu Mures, Romania. After the initial shock and uncertainty at the onset of the pandemic, the entire university settled into an online learning system which lasted uninterrupted for three semesters, with a fourth one blending on-site and online activities. Our survey had the purpose of investigating the extent to which online learning has benefited the students of the university, of identifying the challenges they felt they had encountered and also of ascertaining the students' level of satisfaction and perceived efficiency of online learning compared to traditional classroom activity.

The sample of the study consisted of a total of 61 students, representing all five faculties of the university, as follows.

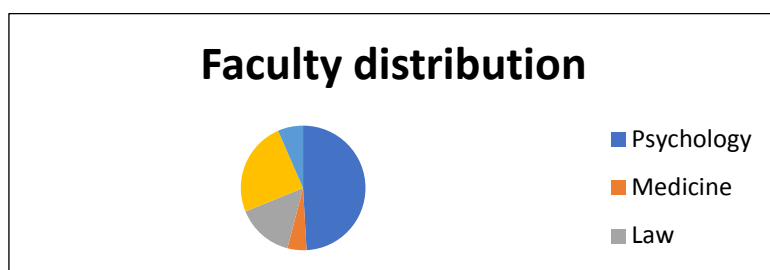
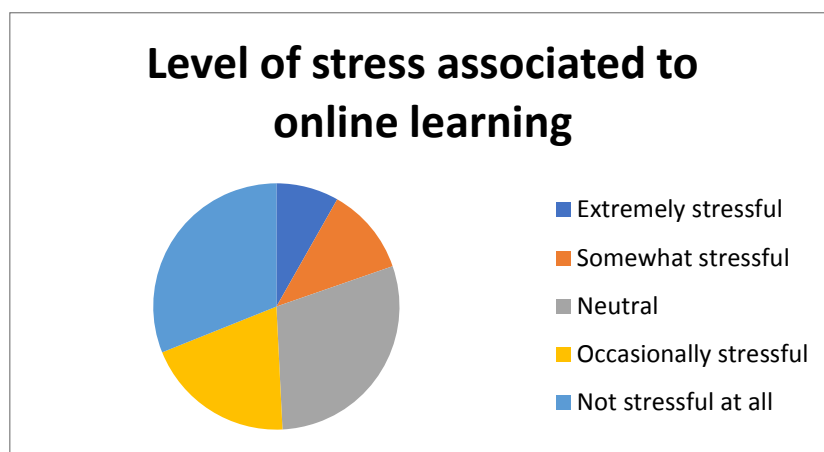


Fig. 1. Distribution of respondents according to faculty

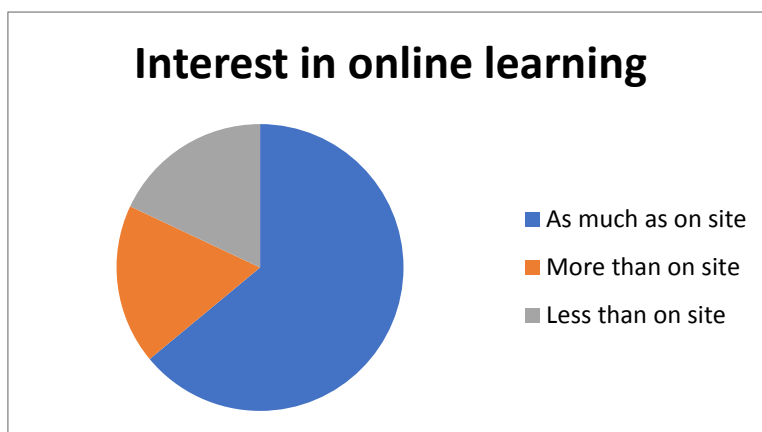
The respondents were asked to complete an online survey containing 14 Likert scale questions, as well as two open questions. The survey allowed the students to express their likes and dislikes related to online English learning, as well as to identify areas where improvement would be welcome.

Regarding the level of stress students experience during periods of online learning, only 8.2% of respondents indicated that they experience extreme stress, while 31% reported no stress at all and almost 30% claimed their emotional state to be uninfluenced by the type of learning. However, it is worth noting that 20% of respondents report feeling stress occasionally during periods of online learning. This could be an area of further investigation – separating personal sources of stress related to online learning from institution related stressors would help identify ways in which online learning could be improved not only in terms of educational efficiency, but also in terms of emotional support for students.



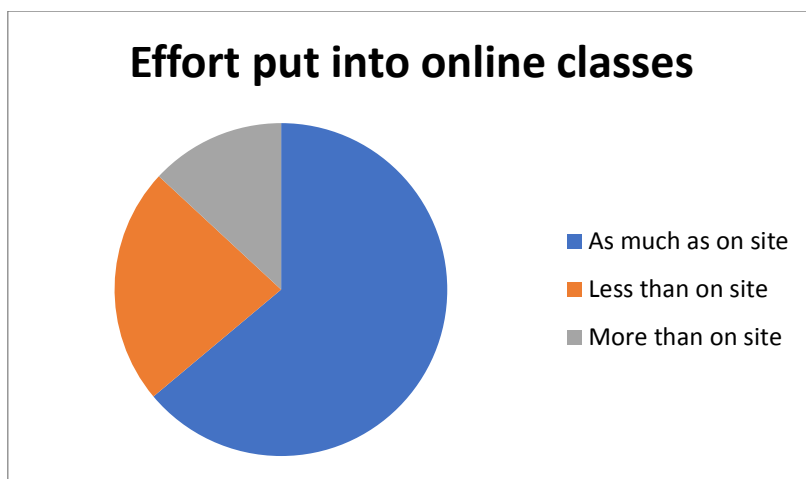
**Fig. 2.** Level of stress reported by students during periods of online learning

When it comes to questions geared specifically towards studying English online, most students (64%) claim to be as interested in English when it is taught online as when classes take place on site. This result is good news, as it indicates that English teachers have managed to adapt techniques and materials in such a way as to be equally engaging no matter the communication medium. An interesting find is the equal portions of the sample (18% each) claiming to be either more or less interested in learning English online.



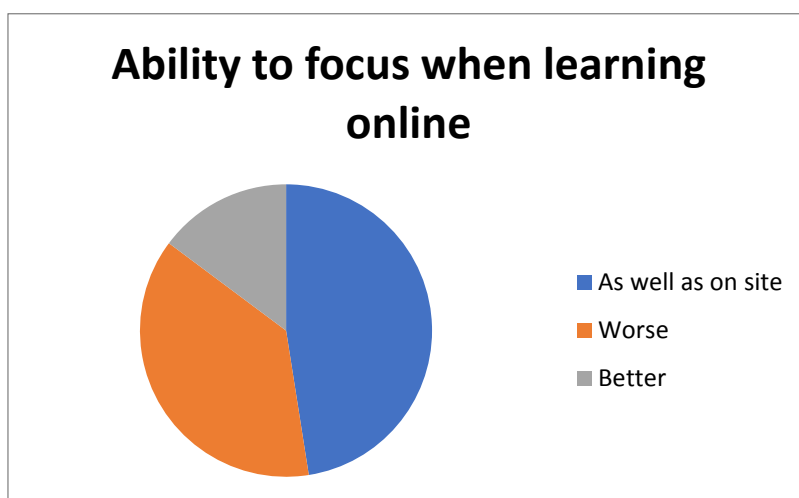
**Fig. 3.** Interest in learning English online

In close correlation to the previous question, the students were also requested to self-evaluate the level of effort they put into online English classes in comparison to on site classes. The same proportion of students who declared to be as interested in learning English online as in the classroom reported to put as much effort in their online English classes as they do in their onsite classes (64%). 13% of the sample claimed to be more active online, and almost a quarter (25%) confessed to being less involved in online classes. Correlating this with the answers given to the open questions, one can infer that the lack of face-to-face interaction and the distractions present at home are important factors in decreasing the motivation to actively participate in online English classes. On the other hand, introverts who have a hard time voicing thoughts in public find it safer and more comfortable to participate in online classes.



**Fig. 4.** Level of effort students put into online classes

The level of effort, students are able to invest in online English classes may be correlated with the environment in which they find themselves while taking part in the class. While over 90% of respondents rated their online learning environment to be good or very good in terms of internet connectivity, comfort and lack of distractions, many students report connecting to classes while working, doing housework or caring for children, which have an obvious impact on their ability to focus. This could be one factor accounting for the fact that 38% of respondents reported their ability to focus on online English classes as being worse than when classes take place onsite. A subgroup of 15% of the total sample reported being able to focus better on their English learning when studying online.



**Fig. 5.** Students' ability to focus on online English learning

Also in strong correlation to the distractions of the work or home environment comes the students' self-evaluation of their time management abilities during periods of online learning. 38% of respondents consider their time management skills to be very good, while 20% see themselves as worse at time management then when studying on site. A similar proportion (21%) report no change in time management skills depending on type of study.

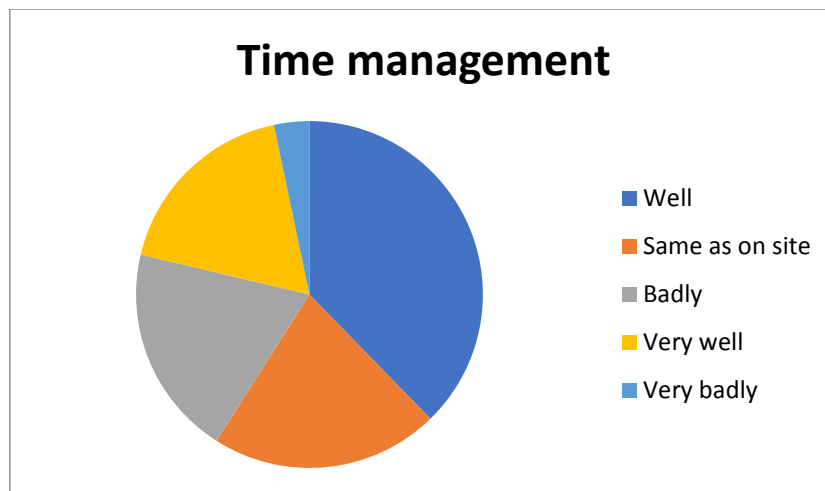


Fig. 6. Time management

When asked how face to face communication affects their ability to learn English, the students' responses vary more than it was initially anticipated. Those who consider face to face communication as being essential to English learning form a proportion of 39%, with 25% considering face to face communication to be important. It is interesting to note that a third of respondents (31%) claim to communicate just as well online as offline, which comes as no surprise considering the current generation of English students are digital natives. However, in the open responses, a vast number of students indicated the lack of non-verbal communication to be a demotivating and a demoralising factor, as well as a hindrance to proper understanding of the material taught.

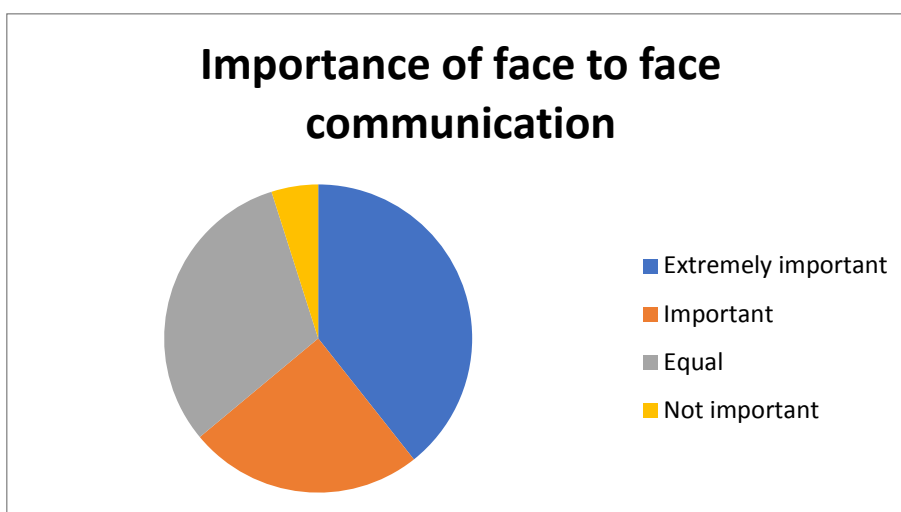


Fig. 7. Perception of the importance of face to face communication

## Conclusions

Taking into account the results of the above-mentioned survey, we can clearly see that online language learning, apart from its challenges and novelty for the students, seems to be a viable and useful method in periods of crisis, such as the pandemic. What is more, the English teachers at our university have successfully managed to live up to their students' expectations and made the online teaching process efficient and appealing. It is however worth mentioning that having adult learners, the educational process was enabled even more, since we as teachers worked with mature responsible people. Even so, they felt the need for face-to-face communication, not because they could not grasp the given information, but mainly because of the lack of social interaction. No matter how well prepared we are as teachers or despite the diversified, complex, and interesting materials and methods used, the students were more comfortable onsite than online because of their need to interact and socialize with the others, the teachers including.

Therefore, online language learning seems to be the perfect solution when onsite learning is not possible, as it has a series of advantages which can be used in the students' best interests. However, since the educational process does not mean only passing on knowledge and delivering information to students, being a more complex act, which involves a social and human interaction part as well, it has been shown from our survey that onsite learning is more preferred, not necessarily more efficient. What is important, is that both students and teachers have successfully managed to adapt to all the changes and challenges of the pandemic period, and found the necessary methods, interest, and motivation to transform abnormality into normality and uncertainties into certainties.

## REFERENCES

- [1] S. Lee, J. Kim, J. Lee, and X. Liu, (2005) "The Effectiveness of Online Situated Environments for Language Learning", Proceedings of 21st Annual Conference on Distance Teaching and Learning, pp. 1-4.
- [2] Jabeen S. S. (2014), "Implementation of communicative approach", *English Language Teaching*, vol. 7, no.8, pp. 68-74, Aug.
- [3] White C. (2006). "Distance learning of foreign languages". *Language Teaching* 39/4: 247–64.
- [4] Robert J. Blake (2011), Annual Review of Applied Linguistics, 31, 19–35. Cambridge University Press.
- [5] Deterding S., Dixon D., Khaled R., & Nacke L. (2011). From game design elements to gamefulness: Defining "gamification". Paper presented at Mind Trek 2011, Tampere, Finland.
- [6] Nah F., Telaprolu V., Rallapalli S., Venkata P. (2013): "Gamification of Education using Computer Games". In: Yamamoto, S. (ed.) HCI, Part III. LNCS, vol. 8018, pp. 99–107. Springer, Heidelberg
- [7] O'Donovan S., Gain J., Marais P. (2013), "A Case Study in the Gamification of a University level Games Development Course". In: Proceedings of the South African Institute for Computer Scientists and Information Technologists Conference, pp. 242–251
- [8] Raymer R. (2011), "Gamification - Using Game Mechanics to Enhance eLearning." eLearn Magazine, <http://elearnmag.acm.org/featured.cfm?aid=2031772>
- [9] Lamy M. (2014). "Distance CALL online" in M. Thomas, H. Reinders, and M. Warschauer (eds.). *Contemporary Computer-assisted Language Learning*. London: Bloomsbury.

# The Gothic as an Adaptive Coping Strategy

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## Abstract

The term Gothic, first used to describe an architecture style, later moved to the literary world, coming to denote a fictional prose genre which emerged in England in the second half of the 18th century and which explores themes of the emotional, imaginary, irrational, supernatural, fantastic and sensational. Throughout its history, the label has undergone many shifts, until becoming distilled, in the present day, down to a complex and pervasive human sensation which reflects in the art preferences of consumers. The current paper aims to discuss the theory that the consumption of gothic art (be it literary or cinematographic) can be classed as a psychological coping mechanism in the context of the deep societal changes brought about by the Covid19 pandemic, as part of a repeating historical pattern.

*Keywords: Gothic art, coping mechanisms, escapism*

## Introduction

The literary Gothic is a fictional prose genre which emerged in England in the second half of the 18th century and which “explores the emotional and imaginary areas of the consciousness, the irrational side of human personality, speculating the taste for the new and sensational aspects of existence, for the fantastic, supernatural, and ingenuity.” [1] A key characteristic of the genre is its strong connection – perhaps more visible than in the case of any other genre – to historical periods of crisis. The 18th century Gothic started off as a literary style featuring stories of bleakness, horror and the supernatural, populated with unusual characters on the verge of insanity as well as events defying reality. This new type of fiction, steeped in mystery, heightened emotional states, gloom and horror, appeared as a reaction to the order and rationality of the Enlightenment, but at the same time provided an alternate universe to which the citizen of 18th century Europe could escape, however briefly, from the horrors of wars, poverty, famine and the early onset of capitalist exploitation. This phenomenon can be seen not as an isolated moment in history, but rather as a pattern in the collective psyche – every time society traverses periods of unrest or uncertainty, the collective appetite for the themes of Gothic fiction rises.

## The Gothic as an Archetype

The 18<sup>th</sup> century was an era marked by the emergence of a middle class, as the golden age of aristocracy waned. Landowning nobility retained its power as the ruling class until the 19th century, but merchants, shop and factory owners became the main driving force of the economy. Under the lead of Prime Ministers Robert Walpole and subsequently of William Pitt, England went through a period of stability and peace, consolidating its colonial supremacy, at least until 1776. Changes happened in terms of economic, social and political development, but their pace was one which was perceived as natural. Nevertheless, towards the end of the century, when the Agricultural revolution was followed by the Industrial one, the rosy polish of this newfound



prosperity began to fade. The disparities between the countryside and the towns, between the extremely rich and those at the limit of survival deepened, society being dramatically divided into rich capital owners and poor wage workers, with almost no middle class to speak of. The contradiction between the English official ideology, which claimed that individual desires and collective needs participate in perfect reciprocity to social life, and the actual political and economic conditions generated a turbulent period. This created a generalised feeling of frustration, coupled with a deep desire for change. “Melancholy, hysteria, hypochondria occurred frequently in the description of the symptoms related to the most widespread diseases of that time.” [1]. It is easy to identify in those descriptions the symptoms of the all-too-current epidemic of depression and anxiety.

Reason – the driving force behind the never-before-seen technological advancement – became insufficient for justifying so many varied facets of a new reality which was now collectively perceived as too much, too fast. People proceeded to investigate the levels of the conscious that were inaccessible to direct observation, in search of a new and compensatory spiritual universe. Reality withdrew in front of imagination and a new world was created, functioning according to the rules of fantasy. Seeking refuge and inspiration into a different and less aggressive reality, authors turned to the past, to nature and to imagination, dismissing the classical order, balance and reason, which were no longer satisfactory. Working with the unreal and unleashing fantasy and the fabulous, Gothic fiction “amplifies in the 18th century the older conflict between reason and imagination.” [1]

Even though the Gothic ceased to exist as a literary trend relatively early, it never died in terms of attitudes and atmosphere, as its themes became recurring, cyclically repeating throughout the history of art. The genre’s short literary life could be explained by the fact that the Gothic is much more than a classifying label, being more of a psychological reality, which escaped the confines of literary criticism and continues to manifest itself even today in the collective psyche, to which it has become a veritable coping mechanism.

### **The Gothic as a Coping Mechanism**

The year 2020 allowed one to perceive the recurring nature of the Gothic as a coping mechanism with an intensity not seen in recent decades. Although its themes were already on the rise in terms of consumer preference, the pandemic managed the unimaginable, and brought all its elements to life, as Gothic art reflected reality better than at any other moment in its history: alienation, fear, heightened emotional states, death, heroes performing unthinkable feats became a daily occurrence almost everywhere on the globe. Following the long and always unpredictable succession of restrictions and other unprecedented social measures, anxiety rates increased by 26%, depression rates increased by 24%, post-traumatic stress symptoms by 15%, and the quality of sleep decreased by 34% [2]

In this new reality, talk of coping mechanisms became more frequent and more relevant. Simply put, psychological coping mechanisms are strategies individuals employ when faced with stressful and/or traumatic situations, in order to help manage painful or overwhelming emotions. Often, positive coping involves changing one’s perspective or reframing a situation in order to consider it an opportunity rather than a problem. Other coping mechanisms include distracting oneself, escape-avoidance or distancing oneself from sources of distress. While not all coping strategies are adaptive, even those with negative long-term consequences can be used with good short term results. Using seemingly destructive coping mechanisms in a positive manner may increase the efficiency of adapting to stressful situations, while also creating personal growth and development.

One such coping strategy which was heavily employed since the outbreak of the pandemic was watching series. According to a pre-pandemic survey [3], millennials were already using

movie watching as a preferred coping mechanism, a habit which only increased once the new realities set in. While such an activity has a great potential for becoming addictive, its use in the current circumstances was beneficial for maintaining mental health to an acceptable, if not optimal level [3]. But what becomes truly interesting for the thesis of the current paper is the type of movies and series preferred by watchers. Five of the top ten Netflix series worldwide heavily incorporate Gothic themes. [4] The same can be said about literature published in the last five years; while the label “Gothic” as a distinct literary or cinematographic genre has ceased to be used, artistic productions included in the fantasy, historical, science-fiction or thriller categories contain all the above-mentioned trademark elements of the Gothic: alienation, fear, heightened emotional states, death, gloomy settings, extraordinary heroes in extraordinary circumstances. The recent years have also seen an unprecedented increase in fictional publications centred on Gothic heroes such as vampires, vampire hunters, and various such mythical or superhuman protagonists.

This may lead one to the idea, expressed by novelist Sarah Perry, that the gothic is no longer a genre or a category, but rather a human sensation, akin to hunger or desire [4], and, as such, it is understandable that artistic productions of the recent years be permeated by gothic, given the unprecedented social and cultural context in which real and fictional humans became uniquely united by experiencing the same states: ‘silliness and sublime terror blended with thrills and chills, seduction and revulsion’[4]. Consuming gothic fiction – in whatever form – becomes a natural human response, stemming from an equally natural human urge towards uncovering mysteries while at the same time being afraid of potential discoveries. “Reading gothic fiction is a safe and far more satisfying form of doomscrolling” [4]. In other words, escaping into gothic fiction functions as an efficient current coping mechanism.

This theory gains even more support when one consults not only the statistics of preferred cinematographic genres but those of preferred literary genres. The year 2020 saw an increase in the number of books centred on social situations, as well as science fiction, both in the case of adult and young adult fiction [6]. In 2021, the most represented books on the New York Times bestseller list were thrillers and mystery novels [7]. A similar increase in popularity has been experienced by apocalyptic and dystopian novels [8]. While it may feel counterproductive to immerse oneself in stories of destruction and loss, there is a certain degree of catharsis and even optimism that these tomes can instil in the reader, given the way so many dystopian metaphors have become literal in the recent years, fictional characters having become that much more relatable.

When it comes to the current year, one can note an almost 50% increase in the publication (and, one might assume, consumption) of fantasy novels [9], the second largest increase out of all the literary genres surveyed. The sale of fantasy books has also increased significantly recently compared to the years before the pandemic [9].

## Conclusions

Seen as a whole, the Gothic, with all its nuances, seems to reveal itself as an everlasting source of inspiration as well as comfort, and its apparent repeated revivals, at key points in the history of humanity, are merely ways of continuation, of survival. Just like the vampires it shelters in its realm, the Gothic will never be dead, but only resting. Centuries after it first emerged as a literary genre, at the same time with the disconcerting changes brought along by the Industrial Revolution, the Gothic has never truly disappeared from the Western culture. That being said, the current years seem to have welcome a new pinnacle of gothic creation, as well as new heights in a sort of symbiotic relationship between fiction and psyche. The gothic – as a genre, as a sensation, as an emotion, as an aesthetic – seems to have a penchant for predicting the future (always a bleak one), while at the same time providing one with the tools required

for navigating such a future, as well as with emotional support. In the words of Stephen King, “We make up horrors to help us cope with the real ones.”[5]

## REFERENCES

- [1] Verzea I. (1982). Proza “gotica” engleza sau fascinatia imaginatiei intr-o epoca a ratiunii, introducere la Horace Walpole, Castelul din Otranto, Bucuresti, Minerva.
- [2] Krishnamoorthy Y, Nagarajan R, Saya GK, Menon V. (2020). Prevalence of psychological morbidities among general population, healthcare workers and COVID-19 patients Amidst the COVID-19 pandemic: a systematic review and meta-analysis. *Psychiatry Res.* 2020:113382.
- [3] doi: 10.1016/j.psychres.2020.113382
- [4] Hoffower H. (2019). Millennials are turning to Netflix to cope with burnout, and it highlights the similarities between technology addiction and food cravings, *Business Insider*, Jul 19, 2019, [https://www.businessinsider.com/millennials-burnout-generation-coping-with-netflix-hulu-tv-2019-7#:~:text=Millennials%20are%20the%20"burnout%20generation,23%20and%2038%20about%20burnout](https://www.businessinsider.com/millennials-burnout-generation-coping-with-netflix-hulu-tv-2019-7#:~:text=Millennials%20are%20the%20)
- [5] TOP 10 on Netflix in the World in 2022, <https://flixpatrol.com/top10/netflix/world/2022/>
- [6] Anderson H. (2021). Why we are living in 'Gothic times', *BBC Culture*, [bbc.com](https://www.bbc.com/culture/article/20210311-the-books-that-are-channelling-our-fears), 15th March 2021
- [7] <https://www.bbc.com/culture/article/20210311-the-books-that-are-channelling-our-fears>
- [8] Fiction Books Sales Statistics, NOVEMBER 12, 2021, [wordsrated.com](https://www.wordsrated.com)
- [9] Action, adventure, thriller, and mystery book sales stats, NOVEMBER 14, 2021, [wordsrated.com](https://www.wordsrated.com)
- [10] Anderson H. (2021). In our times of uncertainty, the latest fiction about climate disaster is unsettling – but also strangely comforting, *BBC Culture*, [bbc.com](https://www.bbc.com/culture/article/20210111-the-latest-fiction-about-climate-disaster-is-unsettling-but-also-strangely-comforting), 11th January 2021
- [11] Fantasy Book Sales Statistics [2022], OCTOBER 2, 2022, [wordsrated.com](https://www.wordsrated.com)

# Study on the Orthoepic Assimilation Process of the Romanian Language by Italian Students from Medicine Programs

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## Abstract

*“Le azioni sono la prima tragedia della vita, le parole sono la seconda. Le parole sono forse la peggiore perché sono senza pietà.” O. Wilde*

The study briefly presents the Romanian-Italian linguistic similarities, but it is mainly focused on identifying the morphological, syntactic and lexicological difficulties faced by Italian students from the programs of the Faculty of Medicine of the “Dimitrie Cantemir” University in Târgu Mureş in the process of assimilating of the Romanian language, five years after the start of the “Dental Medicine” program, but also on the occasion of the completion of the first study cycle of the “Balneophysiotherapy and medical recovery” program.

*Keywords: language learning, Romanian as a foreign language*

## Regarding Romanian-Italian Linguistic Similarities

According to the information collected from the mentioned source [1], some similarities between the Romanian and Italian languages are briefly presented as follows:

- the subject pronoun is not used, the verb being sufficient to understand the person referred to. *Ex. Mangio, mangi, mangia – eat, eat, eat.* When teaching one of the languages, the subject pronoun is also used along with the verb to make it easier for students to memorize the pronoun.

- the topic is identical and flexible, unlike English or French. *Ex. He goes to his parents in the evening. - His parents will stay. In the evening he goes to his parents. - I will give you parents this evening. He goes to his parents in the evening. - I will give you parents this time.*

- over 70% of the lexicon of the Italian language is similar to that of the Romanian language, in different domains.

*Ex. bread - pane, atten - attento, jealousy - jealously, boat - barca, champion - campione, masterpiece - masterpiece, pride - orgoglio, cost - costo, republic - repubblica, hope - speranza, accord - accordo, ministro - ministro, etc.*

- most Italian verb tenses have a Romanian counterpart.

Present	Presents
<i>I want</i>	<i>voglio</i>
Past tense	Passato prossimo
<i>I wanted</i>	<i>ho voluto</i>
Imperfect	Imperfetto
<i>I wanted</i>	<i>volevo</i>
Future	Futuro
<i>I will want</i>	<i>vorro</i>

- over time, the vocabulary of the Romanian language has been enriched with numerous words from the Italian language: *pizza, spaghetti, prosciutto, mozzarella, ragù, adagio, baritone, opera, solfege, mandolin*

## Regarding the Linguistic Changes Identified in Italian Students Dealing with the Problem of the Romanian Language

Although the two languages are part of a common linguistic family with a similar structure, there is an obvious difficulty in making a clear distinction between them as long as we are dealing with linguistic computation on the one hand and parallelism or equivalence linguistics.

Problems observed through the study of the way of assimilation of the Romanian language by the Italian students from the programs of the Faculty of Medicine of the “Dimitrie Cantemir” University:

- there is always a tendency to pass the Romanian language through the filter of the Italian language's own linguistic rules, predilection at the syntactic and lexicological level;
- attempts are made to adapt the new, Romanian linguistic forms to those already known from the Italian language, especially at the level of the classification of words in general into parts of speech, at the level of their modification in inflection [\*] and their internal organization and structuring;
- the principle of analogy is frequently used by Italian students due to the need to find linguistic logic, a linguistic scheme similar to Italian in the assimilation of the Romanian language;
- due to the parallelism between the two languages, Romanian and Italian, from a morphological perspective, there are different situations of linguistic alterations corresponding to different parts of speech.

The problems synthesized above are of a **morphological, syntactic and lexicological nature**.

### a.) From a morphological point of view:

- in the case of the definite article, the different position in Italian, i.e. proclitic (words placed before other words with which they form a common phonetic body, not having their own accent) versus enclitic in Romanian (words related to the previous ones with which it forms a unit without having own accent in most cases), leads to the tendency for the article to be omitted in the process of translation from Italian to Romanian, in the logic of Italian thought it seems unnatural for the noun to be preceded by a grammatical element;

- it is observed that the omission of the article also happens if it is part of the articulated prepositions.

- it is interesting that this linguistic alteration does not occur in the case of translation from Italian to Romanian, when the definite article is present.

- situations have been observed in which the lack of linguistic sense of some students (their ability to identify the morphological structures specific to the Italian language), can create situations in which the demonstrative articles of those/those are confused with the demonstrative adjectives of those/those (without makes the parallelism between the two languages which, in this case, would have been correct, since the relative superlative degree of the adjective is formed both in Romanian and in Italian from the definite article and the adverb mai (“più”) alongside the adjectival form;

- the basis of the translation errors can be found to be the homonymy of the genitive possessive article from Romanian with the simple preposition from Italian.

- in the case of the noun, one often notices the error of taking its gender from Romanian in the Italian translation: “imaginea unei țări” – “l'immagine di una (un) Paese” (*image of a country*); “confruntând valoarea bunurilor” – “confrontando la (il) valore dei beni” (*comparing to the values of the goods*); “e dificil să stabilești o valoare” – “è difficile stabilire una (un) valoare” (*it is difficult to establish one value*). Regarding the formation of the plural in the case of nouns borrowed from English into Italian, the parallelism with the Romanian language cancels the correct formation of the correct plural. According to the grammatical rules of the

Italian language, these nouns do not have a plural form: “ca-n filme” – “come nei film” (like in movies). [2]

- if we refer to the adjective, even if it can follow the noun in Italian, its normal position is before the noun, compared to Romanian where the adjective usually follows the noun. The influence of the Italian language results in the change of the topic of the adjective in the translation from Italian to Romanian: “un'importante ricerca” - “o cercetare importantă”/ “o importantă cercetare” (*an important research*). Certain adjectives that have a degree of comparison in Italian and do not in Romanian are translated erroneously: “la più celebre” - “the most famous”, the correct translation being “the best known”.

- in the situation of translating the relative pronoun from Romanian to Italian, Italian students always tend not to articulate the preposition in Italian under the influence of the prepositional construction in Romanian: “a world of memories in which [...]” – “un mondo di ricordi in (nel) quale [...]”; “for the way [...]” – “per il modo in (nel) quale [...]”. There is also the error of translating into Italian the relative pronoun having the variable prepositional form (su quale) with the invariable form (che), due to the fact that in Romanian the accusative case has a preposition, while in Italian it does not: “There is an America which Europe [...]” – “C'è un'America alla quale (che) l'Europa [...]”.

- in the situation of the verb, due to the parallelism with the verbal construction in Romanian, Italian students use the auxiliary “avere” - “a avea” (*to have*) to translate the compound tenses of reflexive, modal or impersonal verbs: *I fell in love with New-York!* - “Mi ho (sono) innamorato di New-York!”, *Everything seemed upside down* - “Tutto mi ha (è) sembrato capovolto”. In these verbal constructions, only the auxiliary essere *to be* is used. The equivalence of verb forms in the translation process is very important: the phrase “Il provimento disciplinare non era stato aperto in tempo was translated” (*The disciplinary measure was not opened in time*) instead of *The disciplinary measure had not been taken in time*. As can be seen, apart from equating the verb within the expression, more precisely the disciplinary measure is taken not opened, the verb tense from Italian was not translated correctly either: more like the perfect era stato (“had been”) was translated with the perfect compound “was”. Also, in Romanian the phrase in time has a different meaning compared to the phrase at time, the students taking the same preposition from the Italian language in the translation and not realizing the equivalence. The translation of the verbal negation in Romanian is also common when it is preceded by pronouns or negative adverbs, in Italian it is omitted: *You don't even touch the ground well [...]* – “Neanche (non) tocchi bene la terra [... .]”; *Nothing bad can be said [...]* - “Niente di male (non) si può dire [...]”. Regarding adverbs, students often confuse the adverbial and the adjectival form, considering the fact that in Romanian most adverbs have the same root as adjectives, there being no specific adverbial suffix like in Italian (mente): *How easily I had the impression [...]* - “Quanto facile (facilmente) ho avuto l'impressione [...]”; *cruelly melting away any hope* - “sciogliendo crudele (cruelmente) ogni Speranza”; *widely shared* - “largo (largamente) shared”. [3]

#### **b.) From the point of view of syntax:**

- confusion arises due to the fact that the Romanian language does not have a well-defined concordance of tenses as in the Italian language. “The use of the subjunctive can be different in the two languages, that's why the erroneous translation appears in the case of texts translated from Romanian to Italian because of the analogy: *I think that in no other circumstance was I surprised [...]* - “Credo che in nessun'altra circostanza non sono (sia) stato sorpreso [...]”. In this situation, the verb “credere” - *to believe* requires the subjunctive in the Italian language, as it expresses an assumption or uncertainty, verbal concordance that does not exist in the Romanian language. [4]

- in the case of conditional sentences, Italian students tend to follow the Romanian construction in which the conditional is used both in the secondary and in the main clause, in

Italian the conjunction “if”, always followed by the subjunctive: *If would have asked you, you should have thought a little* - “Se” ti avesse chiesto, avresti dovuto pensarci un po’.

- when translating from Romanian to Italian, the students simultaneously use two direct complements in the same sentence, according to the Romanian analogy, which is incorrect in literary Italian (it. dislocazione a sinistra): *the image of a country that I built in mind* - “l’immagine di un Paese che l’ho (ho) constructed in mente”; is the song I heard “è la canzone che l’ho (ho) sentito”.

- “as far as the”, agent complement [\*\*] is concerned [5], it is always followed in Italian by the preposition da. But, due to the influence of the Romanian language, students tend to use the preposition di, seeing it as an equivalence of the preposition de from Romanian: *an America governed by law* - “un’America governata della (dalla) legge”; *dominated by great ambitions* - “dominata di (da) grandi ambizioni”. [6]

### c.) From a lexical point of view:

- perhaps the most complex problem in the process of translation from Italian to Romanian that students encounter are the terms called *falsi amici* [\*\*\*]: “L’impiegato è stato licenziato translated” - *The employee (Employee) has been licensed (dismissed)* [7]; “Roberto è un dipendente pubblico translated” - *Roberto is a public servant (employee)*; “non serviva nasconere il giornale tra le pratiche” - *it was not necessary to hide the newspaper among practices (documents)*; and “fratturò il polso translated” - *he fractured his pulse (wrist)*. [8]

- difficulties are also encountered with the literal translation from Romanian into Italian of some phrases, without achieving their equivalence: “portretul-robot” translated “il ritratto-robot” instead of *l’identikit*; “în strada mare” translated “in strada grande” instead of “in piena strada” – *in the middle of the street*; *on the spot* translated “davanti al luogo” instead of “sul posto”. In the case of the translation from Italian into Romanian, we have the following examples of translation errors: “abuso d’ufficio” translated *abuse of office* instead of *abuse of power/in service*; “fatti di cronaca” translated *facts of the chronicle* instead of *breaking news*; original sin translated “peccato originario” instead of “peccato originale”; *with retail luxury* translated “con lusso di dettagli” instead of “nei minimi particolari”. [9]

- students tend to translate idiomatic expressions literally, there being no equivalent of them. The phrase *Many come to America to meet dogs with pretzels in their tails* has been translated “Molti vengono in America per trovare cani con ciambelle in coda”. [10]

- another example of mistranslation in the case of idiomatic expressions translated by students from Italian into Romanian is the following phrase: “Senza niente togliere ai tanti eroi dello Stato [...]” translated *Without taking anything from the many heroes of the state [...]* instead of *Without you would put many heroes of the state lower*. The phrase: “Alcuni uffici sono in grado di erogare prezioni solo grazie al personale precario [...]” was translated by the students: *Certain offices are able to perform only thanks to precarious personnel* (the phrase does not make sense, and the main expressions “erogare prestazioni”, as well as “personale precario” were not equated with the other words. The correct translation in Romanian could have been *Certain offices are able to provide services only because of the staff employed for a fixed period* (the term precarious from the Italian language has in translation different meaning compared to its Romanian homonym).

## Syntheses

The study was useful in understanding the difficulties faced by Italian students from the programs of the Faculty of Medicine of the “Dimitrie Cantemir” University in the process of assimilating the Romanian language, the language in which the study programs are conducted. Italian students use [\*\*\*\*] parallelism [11] or analogy [12], both in the context of translations from Romanian into Italian, and vice versa. The assimilation time of the correct Romanian

language is estimated at 2.5 years under optimal conditions. Even if the medical terminology is to a good extent close between the two languages, errors at the morphosyntactic level are frequently observed among Italian students, while those at the phraseological level tend to be more numerous. Even if we identify many similarities between the two Neo-Latin languages at the level of grammatical forms, the translational inconsistencies caused by the structural differences are sensitive because they concern the medical field and must be treated with great responsibility

Both the contemporary literary Romanian language and the Italian language must remain a gratifying reality for all their speakers. They must be respected everywhere and at any time, and tradition and innovation must always be present in these languages, through them, because they remain the precious ancestral treasure. We are called to keep in touch with those who have been and those who will come. All those who speak and write these languages have the duty to transmit to others this rich, more nuanced, more expressive multi-century gift.

## REFERENCES

- [1] <https://abest.ro/ro/5-asemanari-intre-limba-romana-si-limba-italiana/>
- [2] [https://usv.ro/fisiere\\_utilizator/file/atelierdetraduction/archive/2019/nos/26.%20Ciprian%20Popa%20\(Rom%C3%A2nia\)%20E2%80%93%20Deraieri%20traductologice%20%C3%AEn%20didactica%20linguages%20italiene%20%20D%C3%A9raillements%20traductologiques%20dans%20la%20didactique%20de%20la%20langue%20italienne.pdf](https://usv.ro/fisiere_utilizator/file/atelierdetraduction/archive/2019/nos/26.%20Ciprian%20Popa%20(Rom%C3%A2nia)%20E2%80%93%20Deraieri%20traductologice%20%C3%AEn%20didactica%20linguages%20italiene%20%20D%C3%A9raillements%20traductologiques%20dans%20la%20didactique%20de%20la%20langue%20italienne.pdf)
- [3] <https://abest.ro/ro/5-asemanari-intre-limba-romana-si-limba-italiana/>
- [4] [https://it-m-wikipedia-org.translate.google.com/wiki/Falso\\_amico?\\_x\\_tr\\_sl=it&\\_x\\_tr\\_tl=ro&\\_x\\_tr\\_hl=ro&\\_x\\_tr\\_pto=sc](https://it-m-wikipedia-org.translate.google.com/wiki/Falso_amico?_x_tr_sl=it&_x_tr_tl=ro&_x_tr_hl=ro&_x_tr_pto=sc)
- [5] <https://ro.eferrit.com/parallelism-gramatica/>
- [6] <https://limbaromana.md/index.php?go=articles&n=3367>
- [7] Guțu Romalo, Valeria - coord. (2005), *Grammar of the Romanian language. I the Word; II Enunțul*, Publishing House of the Romanian Academy, Bucharest.
- [8] 2005, “Panorama” magazine.
- [9] Sălăgean Viorel (1992), *Hello, America!*, Societatea “Adevărul”, SA, Bucharest.
- [10] Turin Zingarelli Nicola (2004), *Italian Grammar. Italiano comune e lingua literaria*, UTET, *Vocabolario della lingua italiana*, Zanichelli Editore, Bologna;
- [11] [https://it-m-wikipedia-org.translate.google.com/wiki/Falso\\_amico?\\_x\\_tr\\_sl=it&\\_x\\_tr\\_tl=ro&\\_x\\_tr\\_hl=ro&\\_x\\_tr\\_pto=sc](https://it-m-wikipedia-org.translate.google.com/wiki/Falso_amico?_x_tr_sl=it&_x_tr_tl=ro&_x_tr_hl=ro&_x_tr_pto=sc)
- [12] <https://gramaticalimbiromane.ro/sintaxa/sintaxa-propozitiei/complementul>



## Romanian-Italian Language Interfaces. Case Study

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### Abstract

*“I think it is obvious that thinking is a completely different field from language, although language is used to express thought, and for a good part of thinking we absolutely need the mediation of language”.*[1]

The research carried out through this article wants to reveal the aspects that derive from the study of the phenomenon of language contact, in the case of Italian students from the courses of the medicine programs of the “Dimitrie Cantemir” University in Târgu Mureş, starting from the characteristics of the languages involved in this process: the language Romanian and Italian. At the time of writing this paper, five years of studies have been accumulated for Italian students from the “Dental Medicine” program, three years from the “Balneophysiokinetptherapy and medical recovery” program and two years from the “Dental Assistance and Prophylaxis” program.

*Keywords: language contact, language immersion, Romanian as a foreign language*

The purpose of the study regarding the Romanian-Italian linguistic interferences is to identify the linguistic aspects that favor or not the Italian students in assimilating the language of teaching, knowing that the medical language is similar to the Italian one in a high percentage. This similarity derives from the fact that Romanian and Italian medical terms have common origins, Latin or Greek.

If in Romanian linguistic research, the varieties of literary language are known as functional styles or languages, in Italian linguistic research we encounter a diversified terminology, some researchers putting the sign of equivalence between subcodes and special languages, others arguing that subcodes are synonymous only with languages sectoral. Balboni puts under the sign of synonymy the terms *technolect* and *microlanguage*, the first term referring to the language of technicians, the second referring to language. While the term *tecnoleto* disappeared from sociolinguistics, the term *microlanguage* is used in the scientific and professional sector. I noticed that the Romanian language's ease of borrowing and assimilating anglicisms generated opposite attitudes among cultured people and linguists. The tolerance expressed by linguists (Adriana Stoichiţoiu Ichim, Mioara Avram, Valeria Guţu Romalo, Rodica Zafiu, Florica Dimitrescu, Teodor Hristea, etc.) is justified by the desire to signal the presence of recent borrowings and the normalization of usage, to the detriment of preventing words from English origin. Beccaria (cf. Beccaria, Italiano oggi: l'antico, il nuovo) believes that Italian has undergone few changes over time, being still anchored in the past and remaining close to its origins. The phenomenon is explained by the linguist precisely through the solidarity attitude adopted by Italian cultured people and linguists towards the English language, which avoids the use of anglicisms. However, lately borrowing from other languages represents an aspect of linguistic enrichment. Because of the massive presence of anglicisms, the Italian language was nicknamed by the linguist Gian Luigi Beccaria, with irony, but also with tenderness, *la lingua dell'okay*. [2] The Italian language in Romania experienced a great diffusion from the middle of the 19th century.

It has been demonstrated that the linguistic similarity between Romanian and Italian made and makes possible the rapid assimilation of these languages, facilitating and encouraging university studies by Romanian students at universities in Italy and vice versa. “In Romania, Italian is the recognized language of a linguistic minority thanks to the National Law on the Status of Minorities from 2005 and is the subject of learning as a foreign language by thousands of students, also with a view to the gradual recovery of the origins by the descendants of immigrants”. [3]

The research method used in this study was the questionnaire. Also called the survey method, the questionnaire has become the most widely used method in psychological, psychosociological and other research. Over time, the questionnaire has been given several definitions. For example, I will present only a few. Thus, Roger Mucchielli said about the questionnaire “that it can only be considered a list of questions”. P. Pichot said that: they are tests composed of a larger or smaller number of questions presented in writing to the subjects and refer to their preferences, feelings, interests and behaviors in precise circumstances. The well-known Romanian psychologist S. Chelcea defined the questionnaire as: a technique and correspondingly, an investigative tool consisting of a set of written questions and possibly graphic images, ordered logically and psychologically which, by administration by the investigation operators or by self-administration, determines from the investigated persons answers to be recorded in writing. [4]

The parallelism and the relations between the Italian and Romanian languages were treated extensively by **Heliade-Rădulescu**, politician, man of letters and militant for national unity, in the work *Parallelism between the Romanian and Italian languages (Parallelism between the Romanian and Italian languages)*, in which he supports first the simplification, then the total abolition of the Cyrillic alphabet and the cleansing of the language from non-Latin elements that would should have been replaced with Italian words. [5] Heliade proposed a “Romanian orthography partially inspired by Italian and partially influenced by the etymological principles of the Transylvanian School, theorizing a massive lexical Italianization, with the creation of an Italo-Romanian language. He points out a large number of mostly Italian neologisms which serve to demonstrate how, at a time when the influence of French culture was strong, the Italian language also modelled and exerted an influence on language and culture Romanian”. [6]

The questionnaire distributed both to teachers teaching in the mentioned study programs and to Italian students incorporated, among others, questions such as:

- What determines the predilection process of assimilation of the Romanian language?
- the profile of the graduated high school.
  - current communication with Romanian students or the community.
  - the inclusion of Romanian and Italian students in the same study groups.
  - taking the theoretical and practical exams without a translator, except for the first year of study.
  - conducting intensive Romanian language classes in the semester. I. or for the entire I. year of studies;
  - tests regarding knowledge of the Romanian language at the conversational and technical (medical) level organized at the beginning of each year of study.
  - the inclusion of students in extracurricular activities carried out within the university, especially by the faculties where the students are of Romanian nationality.
  - the inclusion in the curriculum of the first year of a study discipline of the history, culture and civilization of the Romanian people.
  - other actions.

Examples of close or similar medical terminology:

ROMANIAN	ITALIAN
anatomie	anatomia
fiziopatologie	fisiopatologia
dinte	dente
implant	impianto
ortodonție	ortodonzia
parodonțiu	parodonto
mușchi	muscolo
os	osso
inflamație	infiammazione
cancer	cancro
tumoră	tumore
dispepsie	dispepsia
mucoasă	mucosa
stomac	stomaco
endodonție	endodonzia
chirurgie	chirurgia
sutură	sutura
văl palatin	velo palatale
limbă	lingua
pancreas	pancreas
craniu	cranio

**Fig. 1.** Similar medical terminology

## Conclusions

- at the linguistic level, in the first year of studies, Italian students have obvious problems with the assimilation of the Romanian language and for the fact that they speak the mother tongue in a familiar, sometimes regional, certainly informal variant and they have problems in acquiring high registers of languages, the formal ones. The problem is that they do not realize this, and the general problem is the lack of awareness of the existence of differentiated registers in a language;

- on the other hand, it can be noted that some of the Italian students who study in Romanian come with a sincere desire and are even happy to discover, get to know, improve their linguistic knowledge, adding more complex registers on top of the base on which they already have it. It is one thing to know how to speak a language and another to know it at the level required from a university point of view;

- with a little effort on the part of Italian students, even in the first months of studies, any medical text in Romanian can be understood by an Italian speaker and vice versa. Understanding medical texts is even easier than those in colloquial language;

- there are enough similarities related to certain common Romanian-Italian cultural models.

The summary of the questionnaires distributed to both teaching staff and students from the programs of the Faculty of Medicine by specialization and by year of study is presented below:

<b>YEARS OF STUDY / THE PROGRAM</b>	<b>NO. YOU STUDENT</b>	<b>AVERAGE LEVEL OF KNOWLEDGE OF THE ROMANIAN LANGUAGE</b> (on a scale of 1 to 10)
IMD YEAR	72	7
II YEAR MD	72	7
YEAR III MD	72	8
IV YEAR MD	24	6
YEAR I. BFK	32	7
YEAR II. BFK	37	8
YEAR III. BFK	35	6
YEAR IAS	45	7
YEAR IAS	47	7

Fig. 2. Questionnaire summary

## REFERENCES

- [1] Noam Chomsky, Theories of Language. Theories of learning. The debate between Jean Piaget and Noam Chomsky, Edit. Politics, Contemporary Ideas Collection, 1988, page 54
- [2] [https://usv.ro/fisiere\\_utilizator/file/Doctorat/2017/09/Pavel/Rezumatul%20tezei%20Pevel%20\(Nichifor\).pdf](https://usv.ro/fisiere_utilizator/file/Doctorat/2017/09/Pavel/Rezumatul%20tezei%20Pevel%20(Nichifor).pdf)
- [3] [https://koaha.org/wiki/Lingua\\_italiana\\_in\\_Romania](https://koaha.org/wiki/Lingua_italiana_in_Romania)
- [4] <https://www.qdidactic.com/sanatate-sport/psihologie/chestionarul-metoda-de-cercetare-in-psihologie461.php>
- [5] [https://it-m-wikipedia-org.translate.goog/wiki/Enciclopedia\\_Treccani?\\_x\\_tr\\_sl=it&\\_x\\_tr\\_tl=ro&\\_x\\_tr\\_hl=ro&\\_x\\_tr\\_pto=sc](https://it-m-wikipedia-org.translate.goog/wiki/Enciclopedia_Treccani?_x_tr_sl=it&_x_tr_tl=ro&_x_tr_hl=ro&_x_tr_pto=sc)
- [6] Dan Octavian Cepraga, The Romanic Westernization of literary Romania: Heliade Rădulescu and the translation of Gerusalemme Liberata, University of Padua

## From Actor to Teacher, Teacher to Actor

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### Abstract

Theater plays and classes have many common features. Teachers could be considered actors in classrooms. To become great performers for students, teachers need to know how to use their voices and body language. The article presents several facts, tips and exercises which will help tutors improve essential skills used in their daily work.

*Keywords: acting, theater, speaking, speech technique, metacommunication, body language, training*

### Introduction

School is like theater, where in every classroom there is a fascinating play going on. Usually the teacher is the actor, the main character and the students are the audience. Usually this play is a monodrama, where the curious students listen to a monologue. Occasionally the play is spiced up with interactions, dialogues, silence and sudden twists. Sometimes it ends with applause, sometimes the audience can't wait for a break, sometimes they would leave the performance after an hour, or they even wish they could slip out unobservable after just a few minutes.

The genre of these plays varies from drama to comedy, also tragicomedy. Overall, classes give the impression of a show, with increased focus, laughter, sometimes also tears. Most importantly, these plays shape the mind and the soul of the students. "Interaction is the only criteria. (...) One who plays, performs, tells stories, moves, radiates, mimes, teaches, educates, ultimately transmits, and one who watches, observes, peeks, touts, imitates, learns, is educated, enjoys, laughs, cries, catharizes, develops, is taken under an influence." [1]

Although these teachers are acting for free, and there's no need for a ticket, it's a popular opinion among students that school is boring, exhausting, and if they would have the choice, they wouldn't participate. But they have to, because it's obligatory.

As a teacher it would be shocking to say that I agree with them, but in some cases I do understand their frustration. There are many factors in our educational system that are past their time, obsolete and in need of refurbishment. We need a reformation of our educational laws, starting with the nature of the curriculum in so many Romanian schools.

There are some actions that we, simple teachers can do to bring change to our system, such as the way we teach and act on a daily basis, so that we keep our students motivated, fresh, focused, and why not... entertained. It's up to the teacher how they grab the attention of the students, so that the "audience" doesn't get bored of us, of our play.

I trained to be an actor and now my daily main "character" is being a teacher. I use and implement all the knowledge and skills that I gained during acting classes, while studying at the University of Arts from Târgu-Mureş, in my way of teaching. Every day I try my best to get students closer to the wonderful and colorful world of theater, so that one day I might see them on a real stage, or in a movie, giving the performance of their lifetime.

Of course, there is more to just simple acting in these classes. Drama students at the Arts High School from Târgu-Mureş also learn about the history of theater, improvisation,

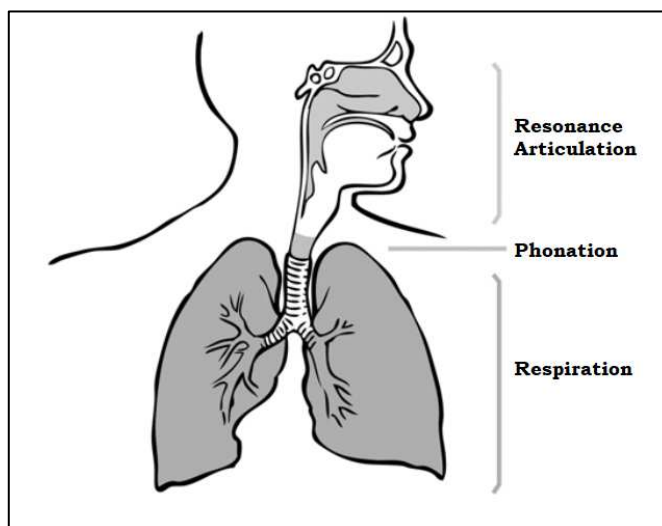
acrobatics, dancing, aesthetics and speech techniques. All these subjects help them become more complex and well informed about what theater really means.

In addition to these arts subjects, students take part of the basic modules as well, like literature, mathematics, science, history, geography, foreign language, etc. Spending six up to eight hours in a chair, with constant attention and short breaks, can be tiring for them and they can easily lose their focus.

So what can teachers do to improve their performance as “actors” in their “daily plays”? In the following article, I present a few facts and tips which might be helpful to improve the way teachers hold their classes. I break down the focus to two main sections, speaking and metacommunication, which I consider essential to the teaching process.

## Speaking

Teachers should know how to use their voices, because speaking is the main communication channel used in every classroom. In some cases, it might be difficult to hear what teachers say, maybe because the classroom is too large, or the class is in an amphitheater, where there is no microphone, or simply because the teacher speaks quietly. But we can train to be better orators and perfect our speech technique.



**Fig. 1.** The four parts to speaking

Let's start by defining, how we speak. There are four parts to speaking: respiration, phonation, resonance and articulation. (Fig.1)

First our mind thinks of what we want to say. Then we use breathing. In order to speak, we need to exhale a lot of air. The next process is phonation. Every person has a pair of vocal cords. When air, coming from the lungs, runs through them, the vocal cords vibrate at a very fast rate. This is what creates sound. Once the sound is created it flows up to cavities, to different parts of our heads and we have resonance. The last part is articulation, which is how we shape the sound with our mouths to create words. In the following I will present some basic exercises which will improve our speech. This vocal workout will help our voices to become more powerful and our diction more articulated. These exercises warm up the muscles we use in speaking. Some of them have funny names, so that they can be easily remembered.

1. Yawn: start with a big yawn, opening your mouth widely. Do this a couple of times.
2. Pouch-shake: let your facial muscles loose and quickly shake your head from right to left.
3. Giggle: sit on a chair with a straight back and start giggling forcefully with a closed mouth, focusing on your diaphragm. This exercise will give your voice a solid support and strength.

4. Kisses: imitate giving kisses. Try to prim your lips as much as possible.
  5. Cash register: pull your elbow front and back. Think of how the money drawer comes out from the cash register.
  6. Burr: burr your lips, as if you were imitating the sound of a motorcycle.
  7. Jaw drop: drop your jaw, open your mouth widely, then close it.
  8. Bubble gum: imagine that you have four-five bubble gums in your mouth and just chew them. Focus on every muscle of mastication.
  9. Top and stand: try reaching your tongue to the tip of your nose, than lay your tongue on your upper lips.
  10. Seed pickup: keep your mouth open and start “kicking” the backside of your upper teeth with your tongue, as fast as you can. Imagine how a bird would pick up seeds from the ground.
  11. Tongue break: open your mouth widely, stick your tongue out and move it several times from one edge to another.
  12. Let’s count our teeth (tongue exercise): using your tongue go along the lower and upper denture and count your teeth.
  13. The “S” sound: let the “S” sound out, with an equal distribution for 7-9 seconds.
  14. Laughter therapy: simply laugh or imitate laughing with “HA-HA-HA-HA-HA”, paying attention to the diaphragm movement. Try opening your mouth as widely as possible.
  15. Silent-loud “R”: first roll the “R” sound silently, then loudly. Alternate these two tongue movements.
  16. X-U: say the letters X-U, X-U, X-U, X-U, X-U repeatedly.
- Do up to ten repetitions of these exercises. Speech techniques are like sports, you need daily training, but they won’t take up more than five-ten minutes of your time.

## **Metacommunication**

Metacommunication is the term used for non-verbal signals in the communication process. It’s been proven that in many instances one’s eyes, facial expressions, gestures, and body language say much more than words. “Communication between humans takes place at two parallel levels: direct communication and metacommunication. The latter is the more common of the two, as our emotional signals are constantly instinctively alert, even if we are silent.” [2]

The key metacommunicative and body language elements are: eye contact, facial expression, gesticulation and posture. All these need to be very active and sharp during class. These non-verbal signs are the “package” in which we wrap up our speech and information we want to transmit. It’s well known that packaging is a valuable marketing tool; an eye-catching design could be a great way to sell a product. This is valid for everyday communication as well. The eyes are the mirror of the soul and reflect upon everything. It is essential that teachers consciously use eye contact with their students. It’s important that our sight and vision is directed to every student, not just a few. Many teachers look only at one direction in the classroom, they keep an eye contact maybe with only the good students and don’t pay attention to the whole class. It’s necessary to calibrate the classroom. Localize the first and last student from the front to the back and from side to side. Try to look all the way, don’t exclude anybody, observe your audience and own your space. This way teachers have a feeling of control and they can guide the student’s attention.

Eye-contact and sharp focus upon the classroom also gives a feedback to teachers. Try to read what’s on the students’ faces. Be aware if they are all listening, if they are tired, interested or bored. Whenever students lose their focus during class, it might be helpful to simply take a few minutes of break, ask questions about the material, initiate a dialog with them, sum up what has been told so far, so that their concentration is refreshed.

Our facial expressions, gestures and attitude during class need to be vivid, active and energetic. We need to believe in what we are saying and ensure ourselves that if we find our act thought-provoking, then students will too. The feelings, the non-verbal signs attached to our verbal communication, need to be expressed openly, freely, full of excitement, thrill and emotion. This way our face and gestures will lighten up, create a positive, eccentric energy, which will capture every mind and soul in the classroom. As Konstantin Sergejevich Stanislavsky, who is considered to be the father of modern acting, would say “if he paints in vivid tones and draws out with intonation what he lives inside, he makes me, my inner vision, see the shapes and images that the words speak of and what his creative imagination creates.” [3]

Here is a simple exercise, which might be helpful. Gather a lot of different objects and put them on a table. Prepare your timer for one or two minutes, stand up, close your eyes and pick up one object. Open your eyes, press the timer and start talking about the object you have chosen. Say whatever comes to your mind: describe the object, talk about its manufacture, appearance, function, maybe tell a true or fictional story related to it. While talking, focus on how to make your speech gripping. It’s not so important what you say, but mainly the way you say it. Pack your short monologue up in an intriguing way. Imagine that you are in front of an audience and put on a great show. Improvise, move, feel free to use your hands, facial expressions and eyes. Be inventive, because “to have imagination is to see the world in its entirety” [4]. Even if you are talking about a simple, random object, you can make it sound interesting. Try talking continuously, don’t stop until the timer goes off.

## Conclusion

I consider it to be crucial that future teachers, who attend courses at the Department for Teachers Training, take part in theater classes. Acting training improves skills such as: concentration, memory, emotional memory, imagination, communication, spontaneity, playfulness, confidence, physical and mental harmony, empathy, cognitive strategies, team spirit, cooperation, mutual trust, etc. The vast majority of the skills and qualities listed here are not only useful for actors, but also for teachers, who I consider performers, actors, as stated in my introduction. It is not always only about the knowledge that the teacher possesses, but it’s also about how they are able to convey that information. I hope these tips, facts and exercises will be helpful. Let us not forget, that “our speech (...) belongs to everyone, because it can be heard always, anywhere, at any time, it is unique and infinitely repeatable.” [5]

## REFERENCES

- [1] Schilling Á. (2007). Notes of an escapologist (Egy szabadulóművész feljegyzései), pp. 19
- [2] Gyéresi J. (2014). The importance of semi-fixed verbal improvisation in stage speech education (A félig kötött formájú (FKF) szöveges rögtönzés gyakorlati haszna a beszédoktatásban), pp. 8
- [3] Sztanyiszlavszkij K. Sz. (1988). An actor prepares (A színész munkája), pp. 406
- [4] Eliade M. (1997). Images and symbols (Képek és jelképek), pp. 24
- [5] Ricoeur P. (1995). The hermeneutical function of distancing (A távolságtartás hermeneutikai funkciója) In: Essays on hermeneutics, pp. 53



# Romania and its Important Role in the Ottomans Wars

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## Abstract

The Ottoman Turks' offensive never succeeded in conquering the whole of Romania, nor did it get a hold of Europe either, thanks to the deep involvement, self-sacrifice and heroic feats of important Romanian personalities. This has brought about a heart-felt national identity that gave rise to myriads of historic and folk tales about legendary and charismatic leaders like Vlad III Dracula, who became national heroes as time went by.

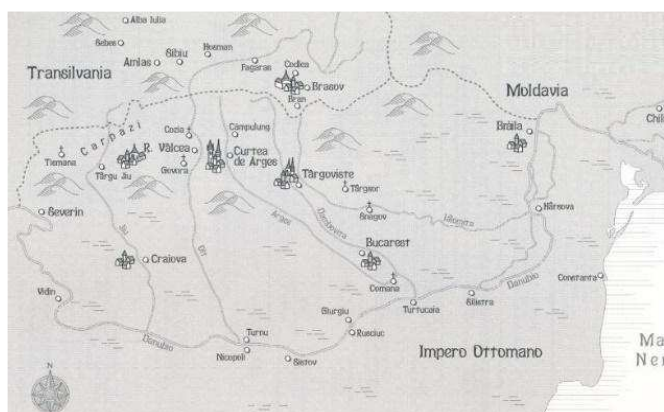
*Keywords: crossroads of cultures and civilizations, key border land, modern crusades, axis between Italy and the Balkans, ruler of the night*

## Romania in Medieval and Modern Times and the House of Basarab

In the 14<sup>th</sup> and 15<sup>th</sup> centuries, Romania was a crossroads of cultures and civilizations, sometimes allied to each other, other times conflicting. It was composed of several principalities, which then united to form the “*Romanian Land*”, called *Tara Românească*, a key border land giving the newly-formed country an excellent geopolitical standing. Wallachia became an important regional power, thanks to its hold on the Danube and its mouth area, a fundamental junction for commercial routes connecting Asia to Central Europe, Hungary and Poland, passing through the Black Sea. Each and every time a new prince rose to the throne of Wallachia, Emperor Sigismund of Luxembourg, King of Hungary and Germany (1387-1437), assumed the right to decide who the new Romanian princes were going to be. These princes now bore the title of “*Voivode*”, a term designating the figure of a duke, head of the army and prince [1, pages 27-30]



**Fig. 1.** Break-up of Romania



**Fig. 2.** Wallachia in the time of Vlad III

### ***Mircea the Old***

Mircea the Old (Cel Batrân, 1386-1418), the grandfather of Vlad III Dracula, was the most important Wallachian prince in the 15<sup>th</sup> century. His reign was constantly threatened by the Ottomans, who had settled in Europe between 1347 and 1354 and were trying to get hold of the Balkan Peninsula. Because of the Balkans weakness and the influence of the *ghāzīs* (Turkish warriors coming from Asia Minor), the Ottomans seized huge territories winning against Byzantines, Serbs and Bulgarians, especially after the Battle of Kosovo in 1389. This is how they became so close to Wallachians and Moldavians, merely separated by the Danube.

At about the same time, an allied crusader army made up of Hungarians, Wallachians, Transylvanians, the Knights Hospitaller, Germans, Burgundians, French and English was miserably put to rout at Nicopolis (1396). The proud French knights disdainfully rejected Mircea's proposal to fight as second line troops, despite he well knew that the Turks, unlike Western Christian armies, were used to positioning the weaker irregular forces front-line. The charge of French heavy cavalry, that was deemed invincible, thus proved ineffective against the manoeuvres of the Turkish light cavalry. [2]

In 1417, Sultan Mehmed I waged war against Mircea the Wallachian, who was defeated, forced to surrender Dobruja, a region situated between the Lower Danube and the Black Sea, and then pledged to pay the Ottomans a tribute (*kharatch*) that allowed to maintain mutual peace. Nevertheless, most of Mircea's princes swore an oath of allegiance and obedience to the King of Hungary. Ensuring this kind of peace with the Turks was a way to keep international trade routes open without even representing a form of subjugation to the Sultan.

Mircea built or reinforced many strongholds on the Danube, at key crossing points. The most impressing one was the Fortress of Kilia, built on an island in the middle of the river. This strategic position let Wallachia confirm its international role as the guardian of commercial routes that spread from the Black Sea all across Asia.

On their part, the Turks could rely on bridgeheads situated north of the Danube: these were impregnable fortresses that, along with regular soldiers, provided lodging for irregular gangs of “plunderers and arsonists” (*akîngis*), gaining their loot out of whatever they could grab (slaves, cattle and so forth). [1, pp. 30-37]

### ***Vlad II***

Vlad III and his father shared the same nickname, Dracul, a Romanian word (*Drăculești*) meaning “*the devil*”. Vlad II belonged to the house of Basarab, the family of Wallachian reigning princes, named after the founder of the State and the dynasty, namely Basarab I, who reigned from 1320 to 1352.

In 1431 Sigismund of Luxembourg crowned him Prince of Wallachia in Nuremberg and also put him at the head of two prestigious Orders: the Order of St. Ladislaus and the Order of the Dragon.

At that time, all Vlad could do was guard Transylvania's southern borders, called the *terra ultrasilvana*, meaning the “land beyond the forest”, so he settled in Sighisoara. This defensive task forced him to provide a complex arrangement of spies and agents that could oversee the trade routes with Wallachia and inform on the Turks' deployment along the Danube. Actually, surveillance against these dangerous neighbors had been reinforced since 1395, when the Ottomans raided Southern Transylvania for the first time.

It was usually less dangerous from November on, when communication routes were blocked by snowfalls and cavalry deployment was more difficult; it was also difficult to get supplies since passageways to Transylvania were little larger than mountain trails, laced with streams and scrambling up rocky walls.

In 1436, Ladislaus III, King of Hungary and Poland, together with János Hunyadi and other Hungarian dignitaries, solemnly swore before papal legate Julian Cesarini, already cardinal of Sant'Angelo, to wage war against the Turks after Pope Eugenius IV proclaimed a new crusade. The latter, similarly to the other Popes of his time, created an important axis between Italy and the Balkans during the modern Renaissance Crusades.

In the battle that took place on November 10<sup>th</sup>, 1444 in Varna the Christian army, numerically inferior to the Turks, was heavily defeated. Vlad Dracul had put at the King's service something like 7,000 knights, led by his son Mircea, but in the course of that battle the King chose not to follow Vlad and Hunyadi's cautious advice and, on seeing the Turks withdraw, plunged in their pursuit. However, the Turks were adopting their usual tactic of a feigned retreat, withdrawing more and more up onto the hills, showering the King with arrows, thus pushing him further away from his army and eventually killing him. [1, pp. 27-70]

### The Greatest Balkan Leader: János Hunyadi

Born into a noble Hungarian family of Romanian descent, János Hunyadi (English: John Hunyadi, Romanian: Ioan de Hunedoara, 1407-1556), rose to the power after his marriage with a Hungarian noble woman. He was an exceptionally skilled commander, he had defended his country against the Ottomans, extending the battlefield on to their territory as well, and, like many young nobles drawn to the profession of arms, he had also served under several Hungarian magnates. [3, p. 429]

Between 1431 and 1433, Hunyadi was a member of Filippo Maria Visconti's circle, who was the Duke of Milan; then, he entered Emperor Sigismund of Luxembourg's direct service, who created a fortified defense line in the Balkan area so that eastern States could repel the Ottomans' threats; finally, he took part in the wars against the Bohemian Hussites.

Once Wladyslaw (Ladislaus) III Jagiellon made him governor (Voivode) of Transylvania in 1441, Hunyadi had to put a curb on the fall of the Magyar kingdom's southeastern outposts caused by the Turks. He became a hero figure representing Hungarian national honor and worthy of appreciation from the Pope, holding within himself the ideal of the war against the Turks, holy and blessed by Rome. He was a great strategist and a true driving force for the people of his times. He honed his abilities in an apprenticeship abroad which included a couple of years' stay in Italy. There, he merged his cavalryman heritage, familiar with mobile warfare, with the slower and more planned tactics of a soldier donning a heavy armor: this was the kind of protection that he adopted as well, that, thanks to its metal shining and flickering throughout the vast Pannonian plain, earned him the nickname of “*White Knight of Wallachia*”.



Fig. 3. John Hunyadi in a picture from Chronica Hungarorum, 1488, Brno



Fig. 4. John Hunyadi in an engraving by Johannes de Thurocz

Hunyadi learned the importance of keeping a clear head and considering weather conditions when approaching the enemy, along with skilful logistics management and battle preparation, two key aspects in the Italian warcraft. Western war traditions taught him the use of heavy cavalry squadrons within his armies, so that supremacy in case of a frontal assault could be guaranteed.

The Hussites inspired him with the use of baggage trains not merely for transport but also as mobile stations on which pieces of light artillery could be mounted, thus forming that which the Germans called *Wagenburg*, the forerunner of tanks. The need to neutralize the crushing numeric superiority of an enemy whose offensive manoeuvres were unrelenting was such that he achieved perfect mastery in guerrilla tactics. At the same time, he committed to curbing the impact of surprise attacks, by the installation of permanent look-outs that allowed him to keep attackers at a safe distance.

This is how Hunyadi became leader of that which, at that time, stood as the largest private militia or *banderium* in the whole Kingdom of Hungary. In September 1443, he even put up a private army, almost entirely at his own expense, counting about 35,000 soldiers, mostly Romanian noblemen from Transylvania and the Banat region, to march against the Turks on the Turks' territory. Over a four-month time span ranging from September 1443 to January 1444, Hunyadi fought the «*Long Campaign*» where he repeatedly defeated the Ottomans, who had never seen a Christian army at the foot of Balkan Mountains before. Hunyadi carried out some of his typical manoeuvres, like the overnight deploying of chosen cavalry squads aptly trained to strike under cover of darkness, and this allowed him to march on Sofia, easily conquering it and dispersing Turkish support troops. The arrival of the first cold spells got him to postpone the march until the following year: on doing so, and having found no place to spend the winter, the exhausted Crusader Army arrived in Buda.

The new wave of aggression against the Balkans started in 1454. Mehmed II led a huge army that besieged Belgrade in 1456. Because of its highly strategic location, the only way to conquer the Belgrade Fortress was through a joint operation, both by river and by land. Therefore, sappers blew up the chains that kept the Turkish fleet anchored to the bridgehead, and while the ships were going adrift and the river was being liberated, Hunyadi and his cavalymen launched an attack on the riverbanks, blocking and subsequently routing the Sultan's Horse Guard made up of 6,000 *sipahi* (professional cavalymen), thus forcing the Sultan to sound the retreat.

This was Hunyadi's last feat. He passed away less than two weeks later as a result of the plague he had contracted during a raid in the Turkish camp. [4, pp. 140-313]

### **A Hero Against the Turks: Vlad III Tepes Dracula**

The most obscure and, above all, the most mysterious and multifaceted character certainly is Vlad III Tepes Dracula. The origins of this nickname is yet controversial: the Romanian word *drac* comes from the latin *draco*, meaning “*devil*” and Dracula (popularly spelled *Drăculea*) purportedly represents “*the devil's offspring*”. It also strikes a resemblance with Old Slavic word *drukol*, which means “*spear*”, “*iron mace*”, in Romanian «*teapa*», that would therefore account for our hero's second nickname: *Tepes*, “*the Impaler*”.

Amongst all magnates taking part in Hunyadi's circle, Vlad was designated as Voivode of Wallachia (*Transalpinarum partium wayuoda*).

He was held as hostage for at least a year at the Sultan's court, and here he could notice the extraordinary variety of nationalities forming his circle; deeply impressed by such an open and dynamic kind of society, an actual meritocratic system (partly present in Wallachia as well), all at the monarch's disposal. Vlad analyzed the way it was structured and tried to apply it in Wallachia during his long reign, from 1456 to 1462.

Unlike Hungary and the other Balkan countries, Wallachia lacked strongholds to repel

mighty enemy armies: in case of invasion, people would take refuge in the huge forests and fortified monasteries nearby. In order to better control the State, Wallachian princes used to build their palaces within the towns, that in wartime served as troops gathering centers.

After his coronation and once the truce ended in 1451, the Voivode saw a Turkish ambassador arrive in Târgoviste, carrying a message from the Turks: they demanded him to pay the annual tribute, to give up one of his sons as a hostage and to let them pass through the Carpathians in order to sack Transylvania. The Wallachian prince must have refused to let them through because, during his reign, no such raids have been recorded.

Vlad was the major “*terror of the Turks*”, the commander who caused them the most trouble together with Hunyadi. An anonymous description written by a Venetian chronicler who was in Constantinople in 1458 actually explains how the Grand Vizier beat a retreat after a certain commander named Vlad routed him.

As the story goes, in 1458 Sultan Mehmed II, also known as “*Mehmed the Conqueror*”, sent his top dignitary Mahmud Pasha to check on the passageways through the Danube along with 30,000 Turks, in order to prevent the Hungarians from breaking in and sacking his country. Mahmud Pasha decided to cut across Hungary and entered Wallachian territory, which at that time was paying tributes to the Turks. Vlad Dracula was there with 5,000 Hungarians and Wallachians. As soon as he had known what had happened, he chased after the enemies and fought them in the early hours of the morning: fewer than 8,000 out of 18,000 of them managed to survive, all the others drowned or were cut to pieces and the slaves captured. Dracula was keen on horseback fighting during the night or at the break of dawn: a real ruler of the night, like in the old folk tales about vampires!

This Turkish offense could not be forgiven. Seeing the Ottoman raid as a violation of his rights, Vlad stopped paying the tributes and going personally to the Sublime Porte (a term referring to the Ottoman government and the Empire), like he had always done from 1456 to 1458.

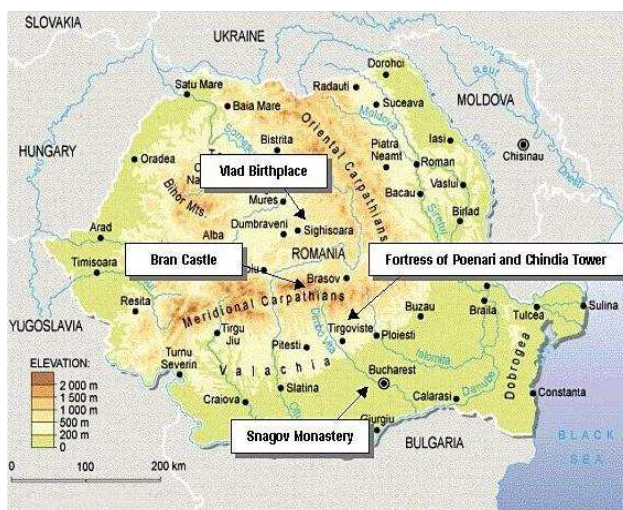


Fig. 5. Dracula's important sites.



Fig. 6. A 16<sup>th</sup> century German watercolor.

The most important fortress on Romanian as well as other territories certainly was the Fortress of Kilia, at the mouths of the Danube. Hunyadi here settled a garrison to prevent Turkish war vessels from entering and leaving and that would also serve as a military base for possible expeditions and daring feats against the Ottoman Empire. Which Vlad actually did.

In the middle of winter, after crossing the frozen Danube, the Voivode divided his army into smaller squads and launched a devastating raid covering some 800 kilometers ranging from Kilia up to Rahova, close to the mouth of the Jiu River.

This raid had very precise purposes. It served to impress the enemies; to create an abandoned area south of the river; to destroy the hideouts of *akinddjis and martolos*, also known as «plunderers and arsonists», irregular soldiers whose pay was the loot they could hoard up; to spread out people who could provide the imperial armies with food, guides, spies, wagoners and auxiliary forces of any kind during the campaigns.

In 1461, Vlad attacked and conquered the Fortress of Giurgiu, then he led raids along the Danube and occupied all the keys points of the river's exits onto the Black Sea that the Turks might use to attack by sea.

In the spring of 1462, Dracula paid extreme attention to the Turks' movements. As a matter of fact, Mehmed II was preparing a great aggression campaign against Wallachia.

The Ottomans planned to cross the Danube from Vidin, their sea fortress located close to Hungary, but the massive volley of arrows by Romanian archers prevented them from reaching the opposite riverbank. Once they had crossed the river, however, the Wallachian plains offered the invaders no points of resistance. After two-weeks' skirmishes and battles of attrition, Dracula stroke a surprise attack against the Turkish camp on the night of the 17<sup>th</sup> to the 18<sup>th</sup> of June: he meant to kill the Sultan and his loyalists, including the Grand Vizier Mahmud Pasha, and even though he didn't reach the goal he had in mind, he surely got to frighten his enemy.

After this battle the Turkish army, now even more on the lookout, kept on marching towards Târgoviste, the country's capital. The Byzantine historian Laonicus Chalcocondyles and the Serbian Janissary Kostantin Mihailovic reported about a 3-kilometer wide “*Forest of the Impaled*”, which Vlad intentionally created as a means of “psychological terror”.

Vlad was impossible to capture and kept on pursuing the enemy's light cavalry, taking shelter in the impenetrable forests nearby and gaining one more victory over the Ottomans even when Kilia was besieged by their fleet. [1, pp. 17-160]

Vlad Tepes heroically died in battle in 1476.

Our Voivode's most important work was the consolidation of the Fortress of Poenari and the sacred Snagov Monastery where he was supposedly buried. Count Dracula fortified his castle “in a modern fashion”, following Italy's Lombard architectural precepts that made a name for themselves all over Europe (even in Eastern Europe): strategically placed on the border between Wallachia and Transylvania, the Castle had two cylindrical towers with extremely thick walls to be able to resist possible cannonballs launched by the Turks. [5]

This historical period was so important for Romanian States that native scholar Dimitrie Cantemir drew from it for his *Historia incrementorum atque decrementorum Aulae othomanicae* (1714-1716), a historical piece of work written in Latin. [6, pp. 43-46].

## REFERENCES

- [1] Kazacu M. (2006). *La vera storia di Vlad III l'impalatore*. Milan: Oscar Mondadori]
- [2] Amatuccio G. 2021. 25 settembre 1396, il massacro di Nicopoli. Available on: <https://storiamicilitaremedievale.wordpress.com/2021/02/26/25-settembre-1396-il-massacro-di-nicopoli/>
- [3] AA.VV. (2004). *Enciclopedia Rizzoli-Larousse*. Milan: La biblioteca del sapere. Corriere della sera
- [4] Pellegrini M. (2013). *Le crociate dopo le crociate. Da Nicopoli a Belgrado (1396-1456)*. Bologna: Il Mulino
- [5] Volterri R. (2015). La zona morta. *Il nido del vampiro*. Available on: <http://www.lazonamorta.it/lazonamorta2/?p=36841>
- [6] Sala M. (2009). *Dal latino al romeno*. Alessandria: Edizioni dell'Orso

***Image sources***

Figure 1: [https://pt.wikipedia.org/wiki/Regi%C3%B5es\\_hist%C3%B3ricas\\_da\\_Rom%C3%A2nia#/media/Ficheiro:Mihai\\_1600.png](https://pt.wikipedia.org/wiki/Regi%C3%B5es_hist%C3%B3ricas_da_Rom%C3%A2nia#/media/Ficheiro:Mihai_1600.png)

Figure 2: Kazacu M. (2006).

Figure 3: [https://military-history.fandom.com/wiki/John\\_Hunyadi?file=John\\_Hunyadi\\_-\\_Johannes\\_de\\_Thurocz\\_-\\_Chronica\\_Hungarorum%252C\\_Brno\\_1488.jpg](https://military-history.fandom.com/wiki/John_Hunyadi?file=John_Hunyadi_-_Johannes_de_Thurocz_-_Chronica_Hungarorum%252C_Brno_1488.jpg)

Figure 4: [https://military-history.fandom.com/wiki/John\\_Hunyadi?file=Tucrcozy\\_Janos\\_Iancu\\_de\\_Hunedoara\\_Brunner\\_Ausgabe.jpg](https://military-history.fandom.com/wiki/John_Hunyadi?file=Tucrcozy_Janos_Iancu_de_Hunedoara_Brunner_Ausgabe.jpg)

Figure 5: [http://ironmaidencommentary.com/?url=album01\\_ironmaiden/vladtepes&link=albums&lang=fra](http://ironmaidencommentary.com/?url=album01_ironmaiden/vladtepes&link=albums&lang=fra)

Figure 6: [http://ironmaidencommentary.com/?url=album01\\_ironmaiden/vladtepes&link=albums&lang=fra](http://ironmaidencommentary.com/?url=album01_ironmaiden/vladtepes&link=albums&lang=fra)

# **STUDENT PAPERS**



# The Phenomenon of Bullying in School Environment

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## Abstract

The present study aims to detect manifestations of violence in the educational environment by identifying the causes that lead to committing acts of violence, identifying the forms of violence between colleagues, respectively identifying the forms of violence generated by teachers. The method of obtaining data is an original questionnaire developed by the author consisting of 27 questions with 9 dichotomized questions, 9 questions with a scale of five possible answers: never, very rarely, sometimes, very often, always and 9 open questions. The sample consists of 24 students from a Day Center in Mureş County, aged between 11 and 14 years. Abuses are encountered both by colleagues and teachers. Bullying regarding material status and physical appearance has the most painful impact on victims of bullying.

*Keywords: bullying, financial state, physical appearance, anxiety, teacher behavior.*

## Introduction

Bullying is a form of abuse. It manifests itself through verbal, physical aggression, or even isolation. Three parties take part in bullying: the aggressor, the victim and the participants. Bullying rarely occurs between the bully and the victim, as it is the “audience” who maintains the bully's idea of power, who feels stronger when he is acclaimed and admired for his abusive deeds. Bullying is a phenomenon that has begun to gain momentum in schools, being a truth that can no longer be denied or ignored. What characterizes bullying is the intentionality of the acts, not their involuntary or accidental commission.

## A Short Meta-Analysis on the Phenomenon of Bullying

### *Parental Status and Residential Environment*

Adolescent neglect in childhood makes them more likely to be victims of bullying than their peers who were raised properly, and they are also at developing greater risk of school problems, depression and alcohol use [1]. Maltreatment of children by families influences the victim status of bullying [2]. Parental stress in the life of adolescents gave rise to more chances of being the victim of aggression or even the aggressor, anxiety being more increased among these adolescents [3]. Social and parental support are effective in reducing the risk of being a victim of school bullying which is associated with the risk of suicide [4].

Adequate parenting received by parents when their children are young decreases the chances that they, once they become teenagers, will bully their peers. The effects are much more visible in adolescent boys than in adolescent girls for “threatening” and “beating”. On the other hand, for bullying in the virtual environment, for victim status and parenting, no correlation was found [5].

Bullying was positively associated with psychosomatic symptoms. Children who rated their fathers as easy to communicate with had a lower risk of being the target of aggression. This appreciation resulted in fewer psychosomatic manifestations [6].

Bullying in residential care facilities has been described as systematic abuse by older and stronger children against younger and weaker ones, giving rise to the fear of future victimization that looms over victims of aggression [7].

### ***Body Esteem and Weight Problems***

The occurrence of verbal-relational bullying was associated with lower body esteem, while physical aggression was associated with lower body esteem only in obese adolescents. In adolescent girls, cyberbullying experiences were associated with lower levels of body dissatisfaction. Researchers recommend anti-bullying campaigns that address overweight prejudice by accepting all types of bodies [8].

Boys and girls who have a healthy level of cardiorespiratory fitness and good muscle strength report lower levels of physical, verbal or virtual aggression, social exclusion and sexual harassment. A healthy level of fitness reduces bullying even in children and adolescents with higher body fat and weight, compared to those who are overweight and do not have the appropriate level of fitness [9]. Overweight or obese children and adolescents are more likely to be the target of bullying than children and adolescents of normal body weight, while boys with weight problems are at higher risk of being bullied than girls [10].

Overweight or obese female children or adolescents report cyberbullying more often than girls of the same age of normal weight, which leads to lower school performance as well as lower life satisfaction [11], while in another study it was found that bullying in the virtual and traditional environment does not have a significant impact on life satisfaction [12].

### ***Anxiety, Depression and Suicidal Ideation***

Anxiety has been shown to be higher both in the case of bullying victims and aggressors regarding physical, verbal or virtual aggression, compared to those who are not involved in acts of aggression, hence the need for anti-bullying strategies that address both victims and aggressors equally [13].

Adolescents who reported having intimate friends to a low degree were more likely to be the target of bullying, which was correlated with higher levels of depressive symptoms, compared to adolescents who had intimate friends to a high degree [14].

Cyberbullying increased the number of adolescents who self-harm and report suicide attempts compared to direct and rational bullying, and female adolescents are at greater risk of suicide attempts as a result of cyberbullying than male adolescents [15].

Adolescents with anxiety, non-suicidal harm and suicidal ideation were more likely to be bullied or offenders [16], and primary school children who are bullied are more likely to report suicidal thoughts than children their age who they are not victims of bullying [17].

### ***Sexual Orientation, Comorbidities, Substance Use, and Sleep Quality***

Homophobic harassment is observed among children and adolescents who are homosexual, bisexual, transsexual and who have not yet established their gender orientation. Individual, family, peer and school level protective factors for this group at risk of being bullied are self-esteem, support at home, supportive friends, an appropriate school climate and school policies against homophobic bullying [18].

Children who are bullied are more likely to develop asthma, regardless of gender or socio-economic status [19].

Adolescents who are victims of bullying are more likely to truancy without reason than adolescents who are not victims of bullying, regardless of gender, age, or grades [20]. Verbal, physical and virtual aggression are related to smoking, and virtual bullying is related to the use of marijuana [21].

Being a victim of bullying is associated with lower sleep quality among adolescents [22]. Cyberbullying victimization does not mediate the relationship between social support and self-perception [23].

In children and adolescents with attention deficit or hyperactivity disorder, a high perceptual reasoning index and a high level of executive functioning decreased the risk of becoming victims of bullying or aggressors [24].

Regarding the protective factors of bullying, it was found that family and peer support correlates negatively with multiple bullying, while institutional support increases the risk of becoming a victim of aggression [25].

## **Research Methodology**

The present study proposed as its objectives, the detection of manifestations of school violence by identifying the causes that lead to this phenomenon, the identification of the forms of violence between colleagues, respectively the identification of the forms of violence generated by teachers on students, starting from the premise that it is a phenomenon frequently encountered in the school environment. The investigation was carried out by means of a survey based on a questionnaire (self-constructed), consisting of 27 statements and questions, as follows: 9 dichotomized questions; 9 questions with a scale of five possible answers: never, very rarely, sometimes, very often, always and 9 open questions. The research sample consisted of 24 students from a Day Center in Mureş County, aged between 11 and 14 years, the gender distribution being uneven, the group being made up of 33.33% girls and 66.66% boys. From an ethnic point of view, the sample is heterogeneous, including Romanian, Hungarian and Rroma students, the majority of whom are Rroma, in a proportion of over 80%.

## **Results and Interpretations**

After processing and analyzing the data, the results are as follows: 91.6% of students cursed their classmates, 79.2% excluded their classmates based on ethnicity, and 71% laughed at a classmate with glasses. When reporting the form of bullying, 42% reported that it was gossip, 30.3% material condition and 27.7% bullying. To the question “What do you think about a colleague who is weaker in learning than you?” most of the answers were discriminatory: 58.33% stated that he/she does not study, 12.5% said that they do not believe anything about him/her, 8.33% gave him/her encouraging advice such as “work hard”, 4.61% perceived the person as weaker, while 12.5% called them stupid and the harshest epithet was the term “garbage”, found in 4.16% of respondents.

Asked “What do they think of the best student in the class?” most of the opinions were full of admiration: 41.66% added that he studies well and very well, 8.33% congratulated him with “Well done!”, 4.16% used the comparison, saying that he/she studies better than him/her, 12.5% mentioned his/her name, 12.5% stated that he/she show off, 12.5% that he/she is a nerd. Some of the subjects of the sample did not express themselves in any way to this question, others instead wanted to say that the student in question is their good friend. Asked them to mention “What is the biggest offense brought to a colleague” only 12.5% students mentioned that they did not offend their colleagues, and 4.16% that they do not remember; 75% of the students used

insults such as: “snot”, “eyeglasses”, “nerd”, “freckled”, “not cool”, “carried away with a bucket”, “elf”, “predator”.

The lack of trust in colleagues is reflected in the percentage of 66.6% of respondents who believe that, in their absence, colleagues say bad things about them. In the section “What do my colleagues think about me?”, 16.66% state that “nothing” or “I don't know”, in the rest the answers are either positive – “good colleague”, “very good”, “good at tennis”, “presentable”, “very kind and quiet”, “good at learning”, “very good”, “funny” - either negative – “hottie” “funny”, “ugly”, “crazy”. To the question “What do colleagues think about physical appearance?” the predominant answers were “I don't know” and “nothing”. In 25% of the responses, admiration for physical beauty and athletic appearance was highlighted; 8.33% of the responses evoke sympathy for their haircut; only 12.5% of the answers being negative, including “dwarf”, “weak” and “hottie”. 41% are ashamed of their financial situation, and 37.5% feel intimidated by their colleagues. To the question “Do you censor yourself in any way in front of your colleagues?” 75% answered no, 25% admitted yes, namely: “they pretend to be happy when they are sad or angry”, they answer with “I'm fine”, I am “the happiest”. A student confessed that she lies in front of her classmates.

The teachers' attitude is not one to be admired, as it emerges from the processing of the research data: 66% of the students were made “stupid”, “stupid” and “idiots” by them, 58.3% affirming that the other colleagues are privileged in front of teachers; 33.3% were listened to by a teacher. A percentage of 58.33% of the students received verbal insults such as: “dry head”, “stupid”, “crazy”, “ring bells in your head”, “go where you came from”. A student mentions that she was the victim of physical aggression by a teacher, being hit in the palm and with the catalogue on her head. It is interesting that 33.3% of the students who were called “stupid” and “idiots”, by the teachers, believe that the teachers did not offend them, and 29.2% of the students who have been cursed and given corporal punishment, do not feel stressed in the presence of teachers. Asked what they do if a teacher teaches something they don't understand, 66.66% said they would ask for a second explanation. The stress generated by the teacher is found in only 20.83% of the respondents, the remaining 79.16% affirming that they are not stressed in their presence.

We mention some special cases: a 14-year-old student, despite the fact that he is among the oldest, tells that he cries because of his classmates and has no one to play with during breaks; he also says he feels ashamed of his financial condition, but that doesn't stop him from laughing at those richer or poorer than him. A 13-year-old student stated that she was listened to very often by the teachers, but that they never offended her. She also states that she doesn't think teachers say nasty things in her absence and that she hasn't been cursed, but she is among the few students who feel stressed by teachers. She states that her colleagues always make her “ugly”, but when asked what her colleagues think about her physical appearance, she mentions her athletic appearance.

## **Conclusions and Practical Implications**

Without pretending to extrapolate the results beyond the boundaries of the research, considering in particular one of its limits, namely the small number of investigated subjects, we can still affirm that bullying is a complex phenomenon that requires the intervention of families, friends and of institutions. Pre-adolescents and adolescents in the study put a lot of emphasis on financial status and physical appearance, which are the most painful causes of bullying by peers. Abuse by teachers is common, but not all abused students see this as a big problem. Therefore, we allow ourselves to finally come up with some proposals to prevent and improve the studied phenomenon:

- the students' awareness of the fact that, regardless of their previous experience, the conditions that can sometimes be disadvantaged and the very frequent number of insults and hits, aggression represents something immoral and sometimes illegal.
- explaining, in their understanding, that the financial factor is not something that should make them feel less valuable or more important than the rest of their colleagues.
- approaching teachers in such a way that they recognize, without feeling hurt, their behavior unworthy of a teacher and correcting these anomalies.

## REFERENCES

- [1] Yoon D., Shipe S.L., Park J. & Yoon M. (2021). *Bullying patterns and their associations with child maltreatment and adolescent psychosocial problems*. *Children and Youth Services Review* 129, 106178;
- [2] Zhang H., Han T., Ma S., Qu G., Zhao T., Ding X., Sun L., Qin Q., Chen M. & Sun Y. (2022). Association of child maltreatment and bullying victimization among Chinese adolescents: The mediating role of family function, resilience, and anxiety. *Journal of Affective Disorders* 299, pp.12–21;
- [3] Zhang S., Hong J.S., Garthe R.C., Espelage D.L. & Schacter H.L. (2021). Parental stress and adolescent bullying perpetration and victimization: The mediating role of adolescent anxiety and family resilience. *Journal of Affective Disorders* 290, pp. 284–291;
- [4] Xiao Y., Ran H., Fang D., Che Y., Donald A.R., Wang S., Peng J., Chen L. & Lu J. (2022). School bullying associated suicidal risk in children and adolescents from Yunnan, China: The mediation of social support. *Journal of Affective Disorders* 300, pp. 392–399;
- [5] Kim J.H., Hahlweg K. & Schulz W. (2021). Early childhood parenting and adolescent bullying behavior: Evidence from a randomized intervention at ten-year follow-up. *Social Science & Medicine* 282, 114114;
- [6] Hong J.S., Valido A., Espelage D.L., Lee S.J., deLara E.W. & Lee J.M. (2021). Adolescent bullying victimization and psychosomatic symptoms: Can relationship quality with fathers buffer this association? *Journal of Affective Disorders* 295, pp.1387–1397;
- [7] Mazzone A., Nocentini A. & Menesini E. (2018). Bullying and peer violence among children and adolescents in residential care settings: A review of the literature. *Aggression and Violent Behavior* 38, pp.101–112;
- [8] Fowler L.A., Kracht C.L., Denstel K.D., Stewart T.M. & Staiano A.E. (2021). Bullying experiences, body esteem, body dissatisfaction, and the moderating role of weight status among adolescents. *Journal of Adolescence* 91, pp. 59–70;
- [9] Garcia-Hermoso A., Oriol-Granado X., Correa-Bautista J.E. & Ramírez-Vélez R. (2019). Association between bullying victimization and physical fitness among children and adolescents. *International Journal of Clinical and Health Psychology* 19, pp.134-140;
- [10] Cheng S., Kaminga A.C., Liu Q., Wu F., Wang Z., Wang X. & Liu X. (2022). Association between weight status and bullying experiences among children and adolescents in schools: An updated meta-analysis. *Child Abuse & Neglect* 134, 105833;
- [11] Chai L., Xue J., & Han Z. (2020). Excessive weight and academic performance among Chinese children and adolescents: Assessing the mediating effects of bullying victimization and self-rated health and life satisfaction. *Children and Youth Services Review* 119, 105586;
- [12] Son W.J., Bae S.M. (2022). The relationship between human rights, negative affect, bullying victimization, and life satisfaction among Korean adolescents: A national sample study. *Children and Youth Services Review* 139, 106568;
- [13] Gong Z., Reinhardt J.D., Han Z., Ba Z. & Lei S. (2022). Associations between school bullying and anxiety in children and adolescents from an ethnic autonomous county in China. *Psychiatry Research* 314, 114649;
- [14] Yang P., Zhao S., Li D., Ma Y., Liu, J., Chen X. & French D. (2022). Bullying victimization and depressive symptoms in Chinese adolescents: A moderated mediation model of self-esteem and friendship intimacy. *Journal of Affective Disorders* 319, pp. 48–56;
- [15] Yang B., Wang B., Sun N., Xu F., Wang L., Chen J., Yu S., Zhang Y., Zhu Y., Dai T., Zhang Q. & Sun C. (2021). The consequences of cyberbullying and traditional bullying victimization among adolescents: Gender differences in psychological symptoms, self-harm and suicidality. *Psychiatry Research* 306, 114219;

- [16] Luo X., Zheng R., Xiao P., Xie X., Liu Q., Zhu K., Wu X. & Xiang Z. (2022). Ranran Song Relationship between school bullying and mental health status of adolescent students in China: A nationwide cross-sectional study. *Asian Journal of Psychiatry* 70, 103043;
- [17] Husky M.M., Bitfoi A., Carta M.G., Goelitz D., Koç C., Lesinskiene S., Mihova Z., Otten R. & Kovess-Masfety V. (2022). Bullying involvement and suicidal ideation in elementary school children across Europe. *Journal of Affective Disorders* 299, pp. 281–286;
- [18] Espelage D.L., Valido A., Hatchel T., Ingram K.M., Huang Y. & Torgal C. (2019). A literature review of protective factors associated with homophobic bullying and its consequences among children & adolescents. *Aggression and Violent Behavior* 45, pp. 98–110;
- [19] Joseph S.P., Borrell L.N., Lovinsky-Desir S., Maroko A.R. & Li S. (2022). Bullying and lifetime asthma among children and adolescents in the United States. *Annals of Epidemiology* 69, pp. 41–47;
- [20] Owusu D.N., Ansah K.O., Dey N.E.Y., Duah H.O. & Agbadi P. (2022). Bullying and truancy amongst school-going adolescents in Timor Leste: results from the 2015 global school-based health survey. *Heliyon* 8, 08797;
- [21] Boccio C.M., Leal W.E. & Jackson D.B. (2022). Bullying victimization and nicotine and marijuana vaping among Florida adolescents. *Drug and Alcohol Dependence* 237, 109536;
- [22] Hasan M.M., Fatima Y., Smith S.S., Tariqujjaman M., Jatrana S. & Mamun A.A. (2022). Geographical variations in the association between bullying victimization and sleep loss among adolescents: a population-based study of 91 countries. *Sleep Medicine* 90, pp. 1-8;
- [23] Mishna F., Khoury-Kassabri M., Schwan K., Wiener J., Craig W., Beran T.
- [24] Pepler D. & Daciuk J. (2016). The contribution of social support to children and adolescents' self-perception: The mediating role of bullying victimization. *Children and Youth Services Review* 63, pp. 120–127;
- [25] Liu T.L., Guo N.W., Hsiao R.C., Hu H.F. & Yen C.F. (2017). Relationships of bullying involvement with intelligence, attention, and executive function in children and adolescents with attentiondeficit/hyperactivity disorder. *Research in Developmental Disabilities* 70, pp. 59–66;
- [26] Lee J., Roh B.R. & Yang K.E. (2022). Exploring the association between social support and patterns of bullying victimization among school-aged adolescents. *Children and Youth Services Review* 136, 106418;

## **Entrepreneurship Through Education – A Possible Model of Curriculum to the School's Decision**

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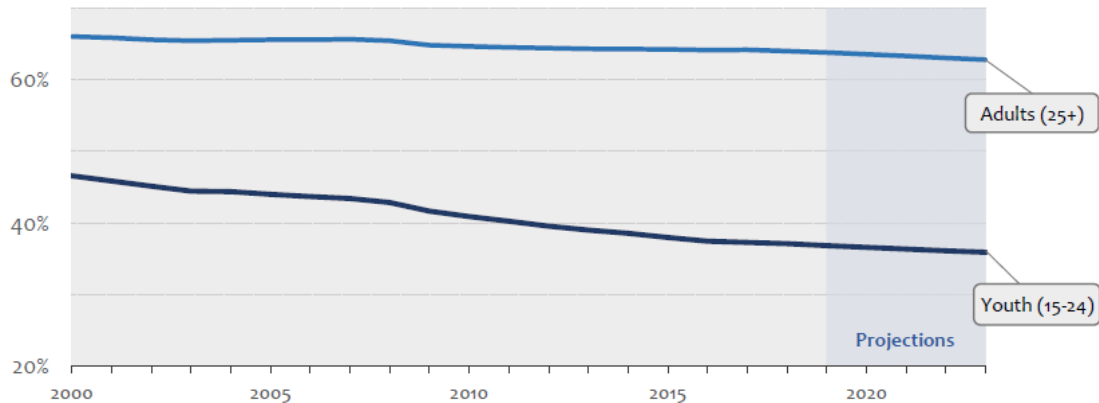
### **Abstract**

This paper is presenting an optional project (curriculum to the school's decision), thought in a transdisciplinary manner, a project that was born as the result of certain deep debates held with pupils, students, teaching staff and future teaching staff, concerning the main issues with which young people confront once they leave school: the difficulty of the transition from school to the labor market, the lack of ideas, perspectives concerning the development of businesses, unemployment, the growth of the migration phenomenon. Therefore, the proposed optional, comes to prevent such problems, offering a practical model, interactive and attractive, for the development of certain entrepreneurial skills, that all the high school/faculty graduates should have and which surely would aid the process of transition of the young people from school to the labor market.

*Keywords: curriculum to the school's decision, professional skills, entrepreneurship, education, exercise firm.*

### **The Justification of the *Entrepreneurship Through Education* Optional**

One of the real issues that the young people are facing nowadays is related to the transition from school to the labor market. The deficit of the lack of practical, professional, transversal skills necessary for an efficient integration, but also the lack of correlation between demand and offer on the labor market, is making it more and more difficult for the young people to try to find a job. The data provided by the National Institute of Statistics (INS) [1], in 2021, is drawing the attention over the alarming growth of the unemployment among young people, at the age category of 15 and 24 years, reaching the highest levels until the present (21,5%). A lot of young people no longer find their place, they do not see any hope in the future in order to be able to fit in or to be accomplished from a professional point of view. The following chart is showing us, in comparison, the evolution of the employment rate at the adults and young people between 2000-2018 and its estimation until 2023 [2].



**Fig. 1.** The employment rate at a worldwide level at young people and adults between 2000-2023

The migration phenomenon is, also, in a continuous growth. According to a rapport of the Organization for Cooperation and Economic Development (OCDE), Romania's diaspora is the fifth largest one at a global level [3]. During the last years, shows the same rapport, a quarter of Romania's population (26%) has expressed the desire to permanently establish abroad if they would have the opportunity, the intentions of immigration being higher among the younger population: nearly 50% from the population with the age between 15-24 from Romania claims that they want to emigrate. These high percentages are directly related to a poor labor market for the young population, especially of the ones with a high level of education.

Another aspect that we are noticing is that, while more and more young people are acquiring the necessary qualifications for various trades, the number of jobs is not growing appropriately. As a result, some young people are starting their activity within marginalized sectors, inferior to their qualification and sometimes enter in the circuit of unprotected ("undeclared work"), a fact that isolates them from the society, before they make their first steps in the professional and family life [4].

Which are the real causes of this state of affairs? What could the school do for the prevention and improvement of the issues mentioned above? A study carried out by us between the 2021-2022 academic year, through certain focus groups organized with teenagers, young people, teaching staff and future teaching staff, has highlighted the fact that the school did not put too much emphasis, during their educational path, on the practical side of teaching, but mostly on transmitting knowledge and information; the spirit of initiative, creativity/motivation, perseverance, have been too little cultivated in school; the young people are complaining about the fact that they are not familiarized with the possibilities that they have to attract non-refundable funds destined for the development of new businesses, but also by the ambiguity and incertitude of the risks related to starting new businesses. The school has promoted too little, and in certain cases not at all, the models of certain successful entrepreneurs. A lot of young people state that they do not know the national legislation in the field of entrepreneurship, the role of the normative acts being to establish deployment framework of an activity from its start-up to its termination.

Among the tendencies at a European level concerning the facilitation of the transition of young people from school to the labor market is the Entrepreneurship. The European Committee has established since 2013 an action plan concerning Entrepreneurship, named the Re-launch of the

Entrepreneurial Spirit in Europe, as an answer to various challenges [5] and which is based upon three strategies: the development of education and formation in the entrepreneurial field; models and the implication of certain specific groups; the creation of an appropriate business



environment. By referring to what the school is currently doing, meaning an hour of Entrepreneurial Education in high schools is much too little. We are convinced that the extension of the curriculum with at least another hour by introducing an optional adapted to the real needs of the students and of the community concerning the potential that a certain area has in the development of new businesses, would represent a chance given to young people to fit in professionally, to highlight their initiative and creativity, and to construct a new business environment, with a fresh vision, and with high chances of success.

In the following we will draft the optional model that we have projected – Entrepreneurship through education -, an optional through which we are trying to connect the student to the business life, to the opportunities that they have in developing new businesses, the main method used being the method of the exercise companies or of the simulated enterprises. What represents this method? It is an interactive method of teaching that targets the development of the entrepreneurial spirit of the pupils/students, through the interdisciplinary integration and application of the knowledge and skills acquired in the professional training, its purpose being to develop entrepreneurial skills at pupils/students by stimulating the processes and activities that are taking place in a real enterprise and the relations with the external environment [6].

### **The Description in Short of the *Entrepreneurial Through Education Optional***

#### **General Skills:**

1. The knowledge and use of the basic notions from the field of entrepreneurship
2. The development and promotion of the entrepreneurial culture
3. The running and development of simulated businesses

#### **Specific Skills and Teaching Activities**

##### ***General skill 1. The knowledge and use of the basic notions from the field of entrepreneurship***

Crt. no.	Specific skills	Examples of teaching activities
1.1.	The identification of the legal notions related to the foundation and running of the entrepreneurial activities	- the presentation of the steps for the foundation of certain economic agents (companies/authorized natural person/non-governmental organization, etc.); - the research and identification of the main official sources of information concerning the legislation in force; - the discovery and analysis of the main laws of entrepreneurial regulation; - the analysis of the role of the main responsible institutions of the state – Trade Register/National Agency of Fiscal Administration; - the analysis of the documents necessary for the foundation of companies by means of the study of the documents published by ROCT (Center of the Exercise Companies from Romania) [7].
1.2.	The identification of the economical and financial elements responsible for the running and development of a business	- The study of the main accounting documents – review, balance, registers, journals; - the analysis of the main taxes and duties encountered in the running of an activity – VAT, corporate tax, dividend tax, taxes on the employee and employer.

1.3.	The identification of the elements specific for the work psychology	<ul style="list-style-type: none"> <li>- visits/appointments with the work psychologist in office;</li> <li>- the analysis of the main types of psychological tests applicable for professional categories;</li> <li>- exercises for work efficiency; teambuilding, etc.</li> </ul>
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**General skill 2. The development and promotion of the entrepreneurial culture**

	<b>Specific skills</b>	<b>Examples of teaching activities</b>
2.1.	The identification of the interests and of the professional skills	<ul style="list-style-type: none"> <li>- auto evaluation through tests, questionnaires;</li> <li>- exercises for self-knowledge, role playing;</li> <li>- exercises of mental imaging (<i>How were you 5 years ago and how do you see yourself in 5 years?</i>)</li> <li>- debates on themes: <i>What would I like to have, to do? What would I like to change? What works? What doesn't work?</i></li> <li>- appointments with successful entrepreneurs;</li> <li>- the presentation of certain models of good practice in the founding and functioning of exercise companies;</li> <li>- studies, researches centred on the identification of the needs from the market;</li> <li>- the steps necessary for the carrying out of a business plan.</li> </ul>
2.2.	The founding of an exercise company	<ul style="list-style-type: none"> <li>- the formation of teams (five, six students) and their training in the founding of companies:</li> <li>1. the determination of the company's object of activity;</li> <li>2. the creation of accounts on ROCT;</li> <li>3. the elaboration of the documents for the founding of an exercise company (their loading on the ROCT with the purpose of obtaining certificates of registration;</li> <li>4. the elaboration of the company's organizational chart;</li> <li>5. the making of job descriptions;</li> <li>6. presenting the positions from an organizational chart at a contest;</li> <li>7. the deposition of CV's and of the letters of intent;</li> <li>8. the participation at selection interviews;</li> <li>9. employment – with the conclusion of labor contracts;</li> <li>10. the promotion of products and services by applying marketing procedures (website, leaflets, fliers. Product catalogue, promotion movie for the products or service, launching on the market;</li> <li>11. the elaboration of the accounting documents;</li> <li>12. finding certain financing modalities (sources of non-refundable sources, bank loans, sponsorships, etc.).</li> </ul>

**General skill 3. The running and development of simulated businesses**

3.1.	Launching, promoting and trading of the products and services on the existent market	<ul style="list-style-type: none"> <li>- the identification of the beneficiaries of the services promoted and traded by the company;</li> <li>- the organization and running of a fair of exercise companies (advertising spot, product catalog, fliers, promotional templates, preparing of stands);</li> <li>- the contracting of products and services;</li> <li>- establishing contractual relations;</li> <li>- the running of specific activities per each department in part (executive, human resources, accounting, legal, etc.).</li> </ul>
3.2.	The optimization of the activities, the running within the exercise companies	<ul style="list-style-type: none"> <li>- the organization of certain team building activities;</li> <li>- the carrying out of certain studies for the measurement of clients' satisfaction;</li> <li>- the elaboration of strategies of productivity growth and of the quality of products and services;</li> <li>- the improvement of the work flow;</li> <li>- the promotion of the implication of volunteering (the organization of internship programs);</li> <li>- the running of brainstorming meetings – with an innovative purpose;</li> <li>- the organization of exchanges of experience;</li> <li>- the exploiting of possibilities for professional development.</li> </ul>

## Suggestions of Contents

### ***Chapter 1. Introduction in entrepreneurship***

1. What is the entrepreneurship? The place and role of entrepreneurship in a competitive society
2. Legal steps in the founding of an economic agent
3. Economical and financial procedural steps necessary for the founding and running of businesses
4. The man in the centre of economic activity

### ***Chapter 2. Entrepreneurial culture***

1. The skills of a good entrepreneur
2. Ideas of business
3. Developing a business plan
4. Financing sources

### ***Chapter 3. Exercise company***

1. Steps for the founding of exercise companies in ROCT
2. The recruiting and selection of personnel
3. The marketing of services/products
4. Company's accounting elements

### ***Chapter 4. The running of activities in the exercise companies***

1. The launching and promotion of the company within a fair of exercise companies
2. The trading of products/services
3. Teambuilding

#### 4. Strategies of optimization of the activity

As evaluation methods we propose the use of certain methods alternative to the classic evaluation – projects, portfolios, the effective simulation of the company's activity per departments. It is a non-standardized modality of evaluation therefore the students are able to highlight their individual resources and to get known to measure the potential that they have, in a common, group, inclusive activity.

#### Conclusions

The reduction of the deficit of skills with the purpose of aiding the transition of young people from school to the labor market is an important objective that the school must necessarily assume with a great responsibility. We are convinced that the optional proposed by us can lead to reaching this objective, by promoting and implementing an attractive, interactive educational act, that will have the student in the centre of action and not the teacher, an educational act centred on the development of skills and not on contents, an educational act built on the student's real needs, that will highlight ones resources, potential, creativity and initiative, an educational act that will connect him/her to the everyday reality, to life.

#### REFERENCES

- [1] INS (2021), Field: Occupation and Unemployment, [https://insse.ro/cms/sites/default/files/com\\_presa/com\\_pdf/somaj\\_tr3r\\_21.pdf](https://insse.ro/cms/sites/default/files/com_presa/com_pdf/somaj_tr3r_21.pdf).
- [2] Source: ILOSTAT, November 2018, [https://ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_676196.pdf](https://ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_676196.pdf)
- [3] OCDE (2019). Talent Abroad: A Review of Romanian Emigrants, Home | OECD iLibrary (oecd-ilibrary.org).
- [4] (Pisica, S. (2011). *The Informal Sector on the Labor Market*, <https://www.ince.ro/PisicaSilvia%20rezumat.rom.pdf>, 09.08.2012.
- [5] The European Committee – The Plan of Action Entrepreneurship 2020: Relaunching the Spirit of Enterprise in Europe.
- [6] Filip, D. (2019). *Simulation of the Enterprise's Activity*. Cluj Napoca: U.T. PRESS Publishing House
- [7] ROCT, *Founding a Company*. Available on <https://www.roct.ro/firme-de-exercitiu/infiintarea-unei-firme/>

# The Role of Mental Training in Increasing Performance in Athletes

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## Abstract

It is important for a career as an athlete, but especially the activity of performance sports to be based on psychological studies of the highest quality, in order to be able to impose and achieve the required objectives, regardless of the level of physical or mental pressure. In order to be successful as athletes, it is not enough just to train physically; we also need mental training to implement a champion attitude, which will lead to increased self-confidence and increased performance. The most important sports clubs in Europe have invested and have been investing in mental training for more than 30 years, in order to implement the champion attitude from an early age. To be a champion, you need a champion attitude, and this attitude develops only through mental training.

*Keywords: attitude, champion, confidence, performance, motivation*

## Determining Factors of Sports Performance

The sports psychologist of the American basketball team Chicago Bulls said that in sports, “the champion is the mind, for the rest the body is the tool”, and to train athletes ready to win, a mental preparation is needed to increase the ability to concentrate, to motivate, to emotional balancing and to build a high self-confidence of the athlete, especially in those more difficult moments of the game, which make the difference between failure and victory.

The absence of mental training does nothing but fill the athlete's mind with fear, states of anxiety and stress, which prevents athletes from excelling towards success.[1]

## *Motivation and Performance Sport*

In sports, as in life, it is difficult to visualize a goal that we are much more focus and have the necessary motivation to reach the champions' step. A large part of athletes tends to say that to have a successful career in sports it is important to be gifted with native physical abilities. This hypothesis was disproved by a large number of athletes, who native they did not inherit certain motor skills necessary to ensure their success.[2]

In performance sports, ambition represents that "why" full of optimism and courage that drives you make you find that "how" to end up with a champion mindset. But, at the base of the growth performance in sports, sports psychologists have placed not ambition or will, but strength of character, quality shown by the athlete both in competition and outside it.[3]

In the sports, the opposite of success is not failure, but lack of ambition and confidence; it is necessary to always be motivated and trusting yourself and your inner potential and removing fear, hesitation from your mind and rigid thinking.[4]

To become a winner, you must first become a winner in your mind. The innate components of human personality, they are temperament and skills, and character is a component that we develop throughout life, through exercise. In sports you don't get what you want, you get what

you are. An athlete's career is accompanied of a very high pressure, caused by the increasing expectations of those around. Another problem encountered in sports stems from the perceived pressure to perform as close to perfection as possible and not to make mistakes.[5]

### ***Attention and Concentration in Sports***

The difference between a good athlete and a successful one is given by his attention. Attention makes the connection between its objective and its achievement. Performance in sports does not require the motivation given by the voice winner who estimates the game but needs maximum concentration in the sense of the game at the stadium instinctually, and at that moment the experience gained during the game becomes a reward for self-confidence.[6] By implementing mental training we obtain a positive mental state of concentration. In a more advanced configuration, an athlete's attitude can be anticipated by controlling are finement indicator to unleash the action a fraction of a second before the movement the opponent. [7]

### ***The Role of Mental Training***

By training mentally, the athlete discovers the ability to face any opponent, anything mistakes and not to be affected by failure or any other negative event, not to reduce from the intensity of effort, focus or attitude during the training period or the match. A sportsman who trains mentally remains disciplined regardless of the obstacles encountered.[8] The role of mental training is not only to mentally strengthen the athlete, but also to makes him aware of defining his emotions

### ***Mental Training Techniques***

Mental training focuses on a new way of thinking, through which an athlete's mind learns to disconnect from the mental obstacles that affect sports performance. The training mentally prepares athletes to overcome their negative thoughts, emotions to progress in the game and to be able to make better decisions in everyday life. During the training period, an athlete trains 80% physically and tactically and only in 20% pay attention to mental training.[9]

### ***Imagery in Performance Sport***

Visualization is a psychological technique applied in performance sports through which athletes he imagines in detail the movement or sequences during the game where he feels he has to come up with additions to be able to grow from match to match. The method of applying imaging in performance sport is a type of mental guide that leads to a transmission more or more less strict of compositions, decompositions, recompositions, integrations and disintegrations. Mental imagery in sports is used to visualize the steps of performance and at what level is during the competition. "The body hears what the mind thinks." [10]

## **Research Methodology**

### ***The Purpose of the Research***

The purpose of the research is to verify the effectiveness of the application of mental training in preparation performance athletes through which optimization and performance enhancement are effectively developed.

## **General Objective**

The general objective of the research is to verify the way in which the application mental training in the preparation of performance athletes effectively develops optimization motivation and increases performance among athletes following this program.

### ***Specific Objectives***

- By implementing mental training athletes will make the difference between failure and success.
- Mental training develops new techniques in the physical training of performance athletes.
- By introducing mental training, athletes will benefit from new relaxation techniques in very tense competitions.
- Mental training gives athletes an increase in self-esteem, through self-knowledge and exceeding the limits.
- Implementing mental training through an educational development program sport.
- By introducing mental training programs, it is aimed to reduce anxiety and of competing stress

### ***The Basic Hypothesis of the Research***

The general hypothesis based on which the experiment was structured and carried out is the following: If a mental training program is to be applied among performance athletes, then their sports performance will increase.

### ***Secondary Research Hypotheses***

- By implementing mental training in the preparation of performance athletes we will reduce anxiety.
- By implementing mental training in performance sport increases the motivation of athletes.
- By implementing mental training, we increase group optimization.
- Athletes who have added mental training to their training have a higher safety during a sports competition.

### ***Research Sample***

The research was carried out at the sports base of CSM AVÂNTUL REGHIN 1949, for 3 months, in two stages. The first intervention took place during the training period, before the start of the new competitive season 2021-2022, and the second intervention took place during championship of the 3rd professional football League. The research group consisted of 30 male subjects, aged between 16-37 years old, all practicing football at professional level.

### ***Research Tools***

To evaluate the subjects of this research, we applied a structured interview consisting of 8 questions and 4 questionnaires, which were applied in two stages.

In the first stage, we applied a structured questionnaire to get to know the subjects and their attitude towards performance sports. At the following meetings I applied: STAI X 1

Questionnaire for measuring anxiety as a state; Baban Stress Perception Scale; Anxiety scale in sports competition (SCAT-Sport Competition Anxiety Test) and Motivation Scale.

The second stage of the research took place in the middle of the competitive season, one and a half months after the first intervention. After the first results obtained in the official matches and the results obtained in the first step on STAI X-1, SCAT, Stress Perception Scale and Motivation Scale, we added a mental training program that included motivational speeches both during training, as well as during official time. matches. In the second stage we re-evaluated the subjects with the same battery of tests to demonstrate the importance of mental training in growth performance in athletes.

**Data Processing and Interpretation**

The average of anxiety as a state in the Avântul Reghin 1949 football team before the test is 45.60, and after the implementation of mental training, anxiety as a state is 36.90, the difference between them being -8.7, and  $t = -6.015$ , being significant at a significance level of  $p = 0.000 < 0.05$ , which shows that there are significant differences between the first test and the second test, with the implementation of mental training, the mean of anxiety as a state after the implementation of mental training in the preparation of performance athletes being lower compared to the first test in which we did not use techniques of mental preparation of the athletes. So, we can say that the second hypothesis is confirmed.

**Table 1.** The t-test for independent samples - anxiety as a state

Levene's Test for Equality of Variances	F	Sig.	t-test for Equality of Means				Sig. (2-tailed)	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference Lower	Upper
			Mean	Std. Error	Lower	Upper								
not assumed	3.761	.027	36.90	1.003	-8.70	1.003	-10.707	-6.70	10.707	10.707	10.707	10.707	10.707	10.707
assumed	3.761	.027	36.90	1.003	-8.70	1.003	10.707	10.707	10.707	10.707	10.707	10.707	10.707	10.707

The average motivation in the Avântul Reghin 1949 football team before the application of mental training is 34.10, and after the implementation of mental training is 40.67, the difference between them being -5.96, and  $t = -2.761$ , being significant at a significance threshold of  $p = .008 < 0.05$ , which shows that there are significant differences between the first test, where we did not use any mental training intervention plan on performance athletes. So, we can say that the second hypothesis is confirmed.



**Table 2.** “t” test for independent samples – motivation

		Levene's Test for Equality of Variances		t-test for Equality of Means					95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
SCAT.F1.F2	Equal variances assumed	4,135	.047	2,797	58	.007	3,66667	1,31073	1,04296	6,29037
	Equal variances not assumed			2,797	51,623	.007	3,66667	1,31073	1,03604	6,29729

The average of competitive anxiety in the Avântul Reghin 1949 football team before the application of mental training is 24, and after the implementation of mental training is 20.33, the difference between them being -3.67, and  $t = -2.761$ , being significant at a significance threshold of  $p = .007 < 0.05$ , which shows that there are significant differences between the first test, where we did not use any mental training intervention plan on performance athletes.

**Table 3.** “t” test for independent samples: competitive anxiety

		Levene's Test for Equality of Variances		t-test for Equality of Means					95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
STAIX1.F1.F.2	Equal variances assumed	8,411	.005	6,015	58	.000	8,70000	1,44632	5,80488	11,59512
	Equal variances not assumed			6,015	47,684	.000	8,70000	1,44632	5,79148	11,60852

## Conclusions

The development of mental training during the training period develops the mentality of the winner both at the individual and team level and the orientation of each athlete towards accessing their own resources to achieve high performance. Thus, by implementing mental training, we not only develop motivation and performance, but we focus on the speed of thinking in situations of adversity, thus disciplining the mind and emotions of each athlete.

This research aims to avoid mental and physical burnout in performance athletes. Thus, through mental preparation, we train the attitude, and not the results of the athletes. By implementing mental training, we form characters first and foremost, and after high performance athletes. We build on the foundation of each athlete and start together in their actions, which extend to the moral, emotional, mental and physical strengthening, and help

them to develop their resilience, and to be full of courage, confidence and motivation for the development of performance, Performance sport is like hiking up a mountain. To become a champion, you must be prepared to go through the darkest and most dangerous places.

## REFERENCES

- [1] Crăciun M. (2005). *Introduction to sport psychology*. Cluj-Napoca: Editura Risoprint
- [2] Rotella B.C. (2018). *How Champions Think*. Harper Collins Publishers
- [3] Bandura A. (1982). *Self-efficacy: Toward a unifying theory of behavioral change*. Psychology Review
- [4] Cox R.H. (2007). *Sport psychology: Concepts an application*. New York
- [5] Epuran M. (2022). *The psychology of performance sports*. București: Editura Trei
- [6] Afremow J.A. (2015). *The champion's mind: How Great Athletes Think*. Radale Books
- [7] Epuran M. (2001). *Psychology of performance sports: theory and practice*. Bucuresti: Editura Trei
- [8] Nideffer R.M. (1992) *Psyched to win*. Leisure Press
- [9] Rubinstein R.A. (2019). *Athletes on the couch*. Bucuresti: Editura Trei
- [10] Vealey G.S. (2001). *Seeing is believing: Understanding and using imagery in sport*. McGraw-Hill.

## The Impact of Online Learning on Students

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### Abstract

On March 11, 2020, as a result of the decision of the Ministry of Education and Research to suspend face-to-face classes, the educational system adopted new methods to ensure continuity in the act of teaching. The newly created situation, unexperimented and non-adapted as it was, materialized rapidly in synchronous and asynchronous online learning. It was regarded with scepticism by most teachers and parents and with enthusiasm and curiosity by students. The theme of this thesis is a current one due to the fact that online learning during the quarantine period caused by Covid 19 influenced and changed the life of students, parents and teachers. The thesis consists in a research of the identification of the impact of online learning on students (the innovative, positive and/or problematic aspects). My main goal was to prove that online learning has negative effects on students: online schooling has a negative impact on the act of learning of students, the psychological and social impact of online learning on students is negative and students prefer online learning to traditional schooling. The research was done in the period of March 25-31 2022.

*Keywords: online learning, negative impact, act of learning, the psychological and social impact*

A series of studies carried out in recent years, during the Covid 19 pandemic and post-pandemic period, have tried to highlight the effectiveness or the inefficiency of online educational systems. Data provided by Eurostat, UNICEF and Save the Children [1] highlight the fact that our educational system was not ready for a transfer of the didactic act online, not even from the point of view of the training of the teaching staff (only 4% of the total training courses during 2013-2018 focused on the development of digital skills/ the use of ICT in the teaching-learning-evaluation process), nor from the point of view of the educational infrastructure (students' access to the Internet in 2019 presented like this: 92% of the urban environment had access to the Internet, 83% in small towns and 77% in rural areas). Perhaps this explains the results of a research carried out during the pandemic [2], which highlights the fact that, in the management of classes and learning activities, almost 40% of teachers did not use any e-learning platform, the students facing with many difficulties: technical difficulties (73%), lack of habit of learning with the help of new technologies (71%), insufficient level of digital skills (68%), lack of an appropriate device (65%), lack of a well-structured program (65%), lack of constant control and monitoring of their activity (65%), limited access to the Internet (64%), lack of support/ lack of interest/ prohibitions from adults (59%). A study conducted among students preparing for a teaching career [3] highlighted, in accordance with the opinion of the majority of those investigated, that online education is less effective than physical education. A number of other studies conducted in the neighboring country, Hungary, highlighted the fact that students' attitude towards learning has changed negatively in online, with students generally becoming more pessimistic [4], spending much more time with online learning than with face-to-face learning [5]. A research that concerned parents [6], highlights the fact that they, during online education, spent more time with children helping them learn.

Similar results were reached in a study carried out in the Czech Republic [7], namely, students spend more time with online learning, and parents are also more involved in their children's learning process. Similar problems were faced by students from China [8], Turkey [9] or India [10], so we could say that the education system at the global level suffered as a result of the pandemic and the transfer of the didactic act online.

Starting from the studies mentioned above, but also from the pedagogical experience lived during online education, as teachers, we proposed as a general objective, in the present research, to identify the impact of online learning on students (and innovative, positive and/ or problematic aspects). The specific objectives of the research were the following:

1. Identifying the impact of online learning on the act of students' learning.
2. Determining the psychological impact of online learning on students.
3. Determining the social impact of online learning on students.
4. Assessment of students' attitude towards online learning compared to face-to-face learning.

**General hypothesis** from which we started consisted in the assumption that online learning has negative effects on students. **Specific hypotheses** were the following:

1. It is presumed that online school has a negative impact on the act of student learning.
  2. It is presumed that the psychological impact of online learning on students is negative.
  3. It is presumed that the social impact of online learning on students is negative.
  4. It is presumed that students prefer online learning over traditional learning.
- 45 students were part of the process, as follows: 15 primary school students, 15 middle school students and 15 high school students. For the purposes of this research, we used **the questionnaire method**, which contains 17 questions, applied between March 25-31, 2022.

## **Identifying the Impact of Online Learning on Students**

### ***Time Spent on Lessons and Homework During Online School***

Out of 45 respondents, 21 believe that the time spent studying lessons and preparing homework did not change, 18 spent only a little more time, 2 spent less time, 4 spent much more time, and no student spent much less time.

Therefore, there were no significant changes in terms of the time spent on homework preparation and studying, because in 47% of the students there were no changes whatsoever, 40% spent only a little more time, and 4% spent less time. Only 9% spent much more time and no student spent much less time.

The majority of primary school respondents (11 out of 15 students) spent a little more time, and as for middle school classes (8 out of 15 students) and high school (10 out of 15 students) the majority of students reported no changes. The 2 students who spent less time are high school students, and out of the 4 students, who spent much more time with learning, 1 student is in primary school, 2 from middle school and 1 from high school.

### ***Concentration During Classes***

Out of 45 respondents, 37 reported better focus when classes are held in person. The majority of students, 82%, believe that classes with physical presence enhance concentration and only 18% believe that they focus better when classes are conducted online.

All primary school students (15 students) are better focused when classes are conducted in person. In middle and high school students, the proportion is 11 to 4: 11 respondents think they focus better during classes held in person, and 4 when it is conducted online.

### ***Modification of the Learning Performance***

Out of 45 respondents, 21 believe that learning performance (grades and marks) did not change during online schooling, whereas 21 students claimed that they improved and decreased for only 3 of the interviewees.

At 46.5%, learning performance has not changed. There were changes in 53.5% of students: the marks improved in the case of 46.5% of the students and 7% noticed decreases.

The marks in the majority of respondents in primary school (14 out of 15 students) did not suffer any change, as only 1 child noticed the decrease in their learning performance. The significant changes occurred in middle school (10 out of 15 students) and high school cases (13 out of 15 students). A total of 21 students (10 at middle school level and 11 from high school) increased their grades, and 2 high school students decreased their performance in education.

### **Determining the Psychological Impact of Online Learning on Students**

#### ***Stress During Classes***

Out of 45 respondents, 23 reported less stress during classes with homeroom attendance, and 22 during online classes. The difference is not significant: 51% believe that they are less stressed, when classes are held with physical presence, and 49% when classes are held online.

There are significant differences between educational levels. Most primary school students (10 out of 15 students) are less stressed when classes are conducted in person. Students in middle school (8 students out of 15) and high school (9 out of 15 students) are less stressed when classes are held online.

#### ***Feelings and Concerns***

Out of 45 respondents, 13 believed that since the start of online teaching they have been worried about their health, 18 have experienced bouts of increased loneliness, 12 have been overworked, 14 have felt misunderstood, 17 have lost touch with many people, 17 have been much more anxious about their future, 12 have quickly adapted to any change, 14 became more self-taught and did not rely solely on online sessions, 4 have new friends, 7 have discovered new passions, 19 have had much more time for personal development.

There are significant differences between education levels. 80% of primary school students (12 out of 15) believe that they lost touch with many people, and 73% (11 out of 15) felt misunderstood. 53% (8 out of 15) of middle school students were much more anxious about their future, 40% (6 out of 15) were worried about their health, and 33% (5 out of 15) had much more time for personal development. 47% (7 out of 15) of high school students quickly adapted to any change, 40% (6 out of 15) had much more time to develop personally, and only 20% (3 out of 15) felt states of loneliness accentuated, also 20% (3 out of 15) were much more anxious about their future, as well as 20% (3 out of 15) who believe that they have become more self-taught and have not relied solely on online meetings.

### **Determining the Social Impact of Online Learning on Students**

#### ***Relationship with Teachers***

Out of 45 respondents, 43 consider that the relationship with teachers is improved when classes are conducted in homerooms, and 2 when classes are online. The difference is

significant: 96% feel better in the presence of teachers, when classes are held with physical presence, and only 4% when classes are held online.

There are no significant differences between education levels. All primary school students (15 out of 15) and the majority of students in middle school (14 out of 15) and high school (14 out of 15) feel that the relationship with their teachers is better when classes are held in person.

### ***Relationship with Classmates***

Out of 45 students, 41 report that the relationship with their peers is better, when classes are held physically, and 4 when classes are online. The difference is significant: 91% are more comfortable with their classmates, when classes are held in person, and only 9% when classes are held online.

There are no significant differences between education levels. All primary school students (15 out of 15) and most middle school students (12 out of 15) and high school (14 out of 15) feel better within the classroom community, when classes are held physically.

Of the 4 students who believed that the relationship with their peers is better, if the classes are held online, 3 originate from middle school and 1 from high school.

### ***Shortcomings Identified During Online Activities***

Out of 45 respondents, 39 believed that during the online activities they missed meeting up with their classmates, and 28 have missed their relationship with teachers. 18 students recalled extracurricular activities, 17 missed the school trips, 16 missed the trainings, 13 missed competitions.

There are significant differences between educational cycles. All primary school students (15 out of 15) believed that during the online activities they missed the relationships with teachers and meetings with classmates. 73% (11 out of 15 students), 60% (9 out of 15 students) and 60% (8 out of 15 students) missed extracurricular activities and school trips. In which concerns middle school, 87% (13 out of 15 students) believed that during the online activities they missed meeting with their classmates, 53% (8 students out of 15) felt the lack of relationship with teachers, 33% (4 out of 15) would have liked extracurricular activities. As for high school students, 73% reminisced about meeting their colleagues, 33% about the relationship with the teachers and the trainings.

### ***Identified Cases of Bullying***

Out of 45 respondents, 37 have noticed cases of bullying when classes are conducted physically, and 8 when classes are online. The difference is significant, as 82 % of cases have been observed when classes are held with physical presence, and only 18 % when classes are held online.

There are significant differences between educational levels. Primary school students (15 out of 15) and most high school students (14 out of 15) identified bullying in physical classes. 8 students in middle school have noticed several cases when classes are held physically and 7 students when they are held online. So, in middle school, half of the bullying cases were seen online.

### ***Identified Cases of Cyberbullying Identified***

Out of 45 students, 29 did not notice any cases of cyberbullying, and 16 identified such events. The difference is significant, as 64% of respondents did not identify cyberbullying instances, and only 36% confirmed such cases.

There are significant differences between educational levels. 3 primary school students (3 out of 15 students) and high school students (3 out of 15 students) identified cyberbullying. The value is much higher in middle school students, where 66% of students noticed it (10 out of 15).

### **Assessment of Students' Attitudes Towards Online Learning Compared to Face-to-Face Learning**

#### ***Student Choice: Physical Presence or Online Classes?***

Out of 45 respondents, 38 would choose to have classes run physically, and 7 would choose online classes. The difference is significant, because 84% would like classes to be with physical presence and only 16% for classes to be held online.

There are differences between the education levels, however they are not significant, as the majority of respondents at each level chose classes with physical presence: 14 primary school students (out of 15 students), 13 from middle school (out of 15) and 11 from high school (out of 15).

Out of 45 respondents, 7 would choose to have classes conducted online. Of these, 1 student is from primary school, 2 are from middle school and 4 are from high school.

There are significant differences between education levels, as 57% of those who have opted for online come from high school, 29% from middle school and only 14% from primary school.

#### ***Reasons for Choosing Online Classes***

The respondents who were in favour of online classes reported as follows:

- 1 answer without any reasoning
- 1 non-interpretable answer: "It's the same, like actual school"
- 2 answers, which refer to the physical and mental comfort of the students: "Because at home I feel super comfortable." and "I felt better, lighter, closer to my parents."
- 2 answers, which emphasize the psychological comfort of the students: "I am quieter and less stressed." and "It was much quieter in class."
- 1 answer, which highlights the free time: "I have more time for various personal development activities". Students no longer waste time with morning preparation, with travel to school and classes are shorter.

There are significant differences between education levels. The only primary school student who chose online classes motivated his choice with a non-interpretable response. Both respondents in middle school chose this option for physical and mental comfort. Out of the 4 high school students, 2 took into account the mental relief, 1 student thought about his free time and 1 student did not formulate any arguments.

#### **After Processing the Data, the Conclusion Is:**

- the first hypothesis, when we presumed that ***online schooling has a negative impact on the act of students' learning was not confirmed***

- the second hypothesis, where we have presumed that the *psychological impact of online learning on students is negative, has been confirmed*
- the third hypothesis, where we have presumed that the *social impact of online learning on students is negative, has been confirmed*
- the fourth hypothesis, which presumed that *students prefer online learning over traditional learning, did not prove to be true.*

**The conclusion of the research** is that the psychological and social impact of online learning on students is significant and negative. There are very big differences between education levels, the most affected are primary school students. Most students, regardless of the educational cycle, want to be physically present at school.

## REFERENCES

- [1] Florian B., Țoc S. (2020). Educația în timpul pandemiei. Răspunsuri la criza nesfârșită a sistemului educațional românesc
- [2] Botnariuc P., Cucuș C., Glava C., Iancu D.E., Ilie M.D, Istrate O., Labăr A.V., Pânișoară I.O., Ștefănescu D., Velea S. (2020). Școala online. Elemente pentru inovarea educației. Raport de cercetare evaluativă, Editura Universității, București
- [3] Butnaru-Sandache Cristina (2020). Practica pedagogică online, adaptare contextual-pandemică în formarea inițială a cadrelor didactice
- [4] N. Kollár K. (2021). Online teaching experience from the teachers' point of view in Iskolakultura, year 31., nr. 2., 23-53., <https://doi.org/10.14232/ISKKULT.2021.02.23>
- [5] Prohászki Ágnes (2020). Face-to-face and online learning/teaching in Opus et Educatio, year 7, nr. 3., <https://doi.org/10.3311/ope.390>
- [6] Bencéné Fekete Andrea (2021). Online learning and teaching and families In Journal of Early Education, year 9., nr 2., 205–226., <https://doi.org/10.31074/gyntf.2021.2.205.226>
- [7] Brom C., Lukavsky J., Greger D., Hanemann T., Strakova J. & Savricek R. (2020). Mandatory Home Education During the COVID-19 Lockdown in the Czech Republic: A Rapid Survey of 1st-9th Graders' Parents. *Frontiers in Education*, 103(5), <https://doi.org/10.3389/educ.2020.00103>
- [8] Chuanmei D., Cao S. & Li H. (2020). Young children's online learning during COVID-19 pandemic: Chinese parents' beliefs and attitudes. *Children and Youth Services Review*, 118., <https://doi.org/10.1016/J.CHILDYOUTH.2020.105440>
- [9] Cakin M. & Kulekci Akyavuz E. (2021). Educational adventure of students in the COVID-19 period in Turkey: Determination of parents' views. *International Journal on Social and Education Sciences (IJonSES)*, 3(1), 109–125., <https://doi.org/10.46328/ijonSES.87>
- [10] Grover S., Goyal S.K., Mehra A., Sahoo S. & Goyal S. (2021). A survey of parents of children attending the online classes during the ongoing COVID-19 pandemic in *The Indian Journal of Pediatrics*, 88(3), <https://doi.org/10.1007/s12098-020-03523-5>



# Increasing the Quality of Primary Education Through the Use of Interactive Strategies

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## Abstract

One of the great challenges of education is the alignment with the requirements of contemporary society and therefore the approach to the relationship between management and quality embodied in creative, interactive didactic approaches ensures the increase in the quality of education and the achievement by students of a superior school performance. The earlier the skills of learning through research, discovery and own intellectual effort are learned, the more effective they have a formative effect, embodied in the development of higher intellectual capacities and the specific skills of children's creativity and imagination. New information regarding the increase in the quality of education in school, at all the levels it involves, is timely, as through the implementation of such strategies individual skills, abilities, capacities are trained, achieving an intrinsic motivation, practicing creative solutions. **Keywords:** imagination, creativity, skills, skills, attitudes, strategy, quality, management, motivation, performance.

*Keywords: quality, education, interactive strategies, creativity*

## The Motivation of this Paper

I made this choice considering that: an inventory of the strategies and techniques aimed at increasing the quality of educational management addressed in this research can be of real use in identifying trajectories with a theoretical character and applicability in practice; the effectiveness of orienting educational policies towards a pedagogy that involves the direct involvement of the student in learning.

## Some Conceptual Analyses

It approaches education and educational management, selecting from the multitude of conceptual delimitations related to education [1] synthesizes the following perspectives for understanding it:

- a. education as a process (the action of transformation in a positive and long-term sense of the human being, in the perspective of explicitly formulated goals);
- b. education as a management action (directing the evolution of the individual towards the stage of a trained, autonomous and responsible person);
- c. education as a social action (the planned activity carried out on the basis of a social project, which includes a personality model);
- d. education as a human interrelationship (common and conscious effort between the two actors - the educator and the educated);

e. education as a set of influences (deliberate actions or outside of a deliberate will, explicit or implicit, systematic or unorganized, which, in one way or another, contribute to the formation of man as a man).t major objective “the valorization of the individual and his abilities”.

Quality management, according to Ș. Iosifescu, represents the definition, design, organization, implementation, evaluation and review of quality assurance systems and procedures [2]. Increasing the quality of education through the use of interactive strategies, we approached it starting from learning skills through research-discovery and own intellectual effort, the earlier they are learned, the more effective they have a formative effect, embodied in the development of higher intellectual capacities and of specific creativity skills. By relating the concept of didactic technology to the current context of education, we identify a series of forms of its definition: “the application of scientific discoveries in order to solve practical problems” [3]. For the pedagogue Marin Stoica, the didactic strategy designates “the more complex ways of organizing and leading the training process based on the combination of methods, teaching aids and forms of grouping of students, in order to achieve the pedagogical objectives” [4]

### **Methodological Coordinates**

The research methodology started from establishing the research objectives:

- determining the creative attitude of teaching staff from the “Aurel Stanciu” Secondary School, Salcea, Suceava county.
- determining the way to apply educational measures aimed at increasing the quality of learning by capitalizing on didactic strategies with creative valences, at the level of three curricular areas in primary education.
- determination of the results obtained by the children of the experimental group at different stages of the research (at the initial test, at the formative test and at the final test).

The hypotheses that were the basis of this research are the following: general hypothesis - we assume that the creative attitude of the teaching staff leaves its mark on the students' creativity; specific assumptions: we assume that the creative attitude manifests itself differently from one teacher to another; we assume that students whose teachers are more creative have in turn higher creativity scores than students who work with less creative teachers; we assume that the use of creative methods in the classroom leads to an increase in the creative potential of students.

The independent variable consists of the interactive didactic strategies proposed in the three curricular areas of first grade and the dependent variable refers to the level of students' knowledge

The pedagogical research took place between March 2022 and May 2022 and the sample of subjects is composed of 20 students currently enrolled in class I A and 18 students in class I E.

The content sample addressed consists of supporting some scientific activities/contents in accordance with the Curriculum for primary education. In creating the content sample, we took into account the fact that the experiment will be applied within three curricular areas, namely Language and Communication, Mathematics and Natural Sciences and Arts. The activities and didactic approaches chosen for the research were selected according to their impact on the development of students' creativity

In order to achieve the objectives of the investigation and validate the hypothesis, I used the following research methods that facilitated the collection, processing and interpretation of the data:

1. Case study - teaching staff
2. Method of pedagogical experiment
3. Method of systematic observation.

In order to quantify the creative attitude of middle management-teachers, we used as a research tool the creative attitudes questionnaire [5] applied to 30 teachers from the school. The test contains 50 questions grouped into 15 creative attitudes: energy, concentration, orientation to the new, argumentation of ideas, independence, nonconformity, moral values orientation to a distant future, risk, attraction to difficult problems, diversity of interests, spiritual values, practical values, completion and self-confidence, for each of which there are three items.

We have proposed for the use of interactive strategies by teachers a Training Program for the use of interactive strategies by teachers that runs for a period of six months and is aimed at training those skills to use modern didactic strategies both in the context of centring learning on student, as well as in the context of the digitization of the education process.

### **The Conduct of the Research and the Main Results**

The ascertaining stage took place in March 2022. In this stage, oral tests were applied to identify the level of creativity of students in class IA and IE. The structure of the initial assessment test, as well as the results obtained by the students, are detailed in the attached chapter of this paper.

The formative experiment stage took place in April of the 2021-2022 school year. At this stage, I designed and carried out in the 1st grade, having as teachers the teaching staff who present attitudes favorable to creativity, didactic activities, in accordance with the school programs in force for the 1st grade, I aimed to enrich active and motivational didactic strategies in order to develop creativity (factors of progress within the conducted experiment). Various strategies were combined, reported at the class level, in the three curriculum areas Language and communication, Mathematics and natural sciences, Arts.

The post-experimental stage took place in May 2022, during which the final evaluation tests were applied to the three subjects belonging to the curricular areas targeted by this research, both in class I E and class I A, in order to record their performances at the end the psychopedagogical experiment.

As a result of the implementation of the experimental stage at the level of class I A at the level of the three curricular areas, the results obtained by the students subjected to this stage register a visible progress, compared to the students in the standard class, under all the aspects aimed to be developed within the proposed didactic approaches.

The conclusions drawn from the research carried out in the second chapter, consisting of the case study and pedagogical experiment, can be summarized as follows:

1. It was found that the creative attitudes that sum up the most maximum answers given by the responding teachers in the case study are: arguing ideas, completion followed closely by the orientation towards the new, practical values and concentration represent solid premises of increasing the quality of education.

2. We demonstrated that the active-participative methods in learning activities gave the student the opportunity to choose the degree of involvement, and due to its formative character, the development of creativity as well as the level of school performance was influenced.

3. I highlighted the fact that the approach to this topic is meant to be a way to bring to the attention of primary education teachers the major importance of teaching-learning methods in the assimilation and use of informational content by children of small school age, in a manner of playful nature, specific to the age of the students.

4. The progress of the experimental group in the tests applied to the three curricular areas can be explained by their involvement in activities that placed them at the center of learning,

involved them in constant development efforts, creative capacities and attitudes, directed actions that given the opportunity to express himself.

Thus, having as a reference the theoretical researches and the investigations carried out in this paper, I highlighted the following:

5. The managerial strategy aimed at increasing the quality of learning is an effective tool in achieving the school's objectives, for fulfilling the mission and realizing the projected vision, in a competitive, increasingly performing environment;

6. I demonstrated in the practical part the necessity of using managerial strategies and creative didactic approaches in terms of the methods and material means used. In this sense, we formulated examples of didactic strategies specific to the chosen subjects, respecting their integrated character. The application of these strategies ensured the progress of schoolchildren in the experimental stage.

### **Limits and New Research Directions**

A limit of the research can be considered the research at the level of the perimeter of a single educational institution. I have exposed this limitation with the intention of exposing the need to expand this research at the level of several school units, and why not, on regions or comparative rural/urban studies.

Therefore, in terms of future research perspectives, the expansion of research at the regional, national level or two or more educational programs can be considered.

In another vein, a future research could outline the research more complexly by capturing the quality of school management by diagnosing the organizational climate and organizational culture and their influence on organizational performance.

Another future research direction of this complex topic could be the quantification and motivation of quality in state education compared to private education, correlated with the need on the labor market for the profile of the graduate

### **REFERENCES**

- [1] Cerghit I. Vlăsceanu L. (1988). Pedagogy course. Bucharest: University Publishing House
- [2] Iosifescu Ș. (2003.) Educational Management for Educational Institutions. Iasi: Romanian Institute of Educational Management
- [3] Nicola I. (1994). Pedagogy. Bucharest: Didactic and Pedagogical Publishing House
- [4] Stoica M. (1996). Psychopedagogy. Bucharest: Didactic and Pedagogical Publishing House R.A.
- [5] Roco M. (1992). Testing availability for creative training. Journal of Psychology. Romanian Academy Publishing House, New Series, no. 2

# The Influence of the Family Socio-Economic Environment on School Performance

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## Abstract

In this paper, we analyzed how much the family environment influences the school and social life of the child, what are the repercussions of a disadvantaged environment or an environment conducive to development, if indeed a disadvantaged environment leads to school failure. How involved parents are and whether the socio-economic staff influences the level of involvement in activities aimed at strengthening the essential relationship that must exist between school and family

*Keywords: Family, school performance, success, school failure, school motivation.*

The family is the first group to which we belong, the fundamental element of society [1], which protects the child and which has the right to protection on the part of society. From a sociological perspective, the family is a social group formed on the basis of marriage, kinship, adoption or from a legal perspective, the family is a group of persons in which a set of rights and obligations was established, regulated by legal norms.

The following family functions are considered fundamental:

1. Biological or perpetual function. In order to survive, every society and culture must biologically reproduce individuals [2]. The process of perpetuating the human species has taken place mainly within the family and not outside it.
2. Economic function, with two components: the economic function of production, specific to pre-industrial societies and rural farming families the economic function of consumption, specific to industrial and post-industrial society. The amplification of this function is a phenomenon specific to modern society [3], both in urban and rural areas.
3. Social or educational function. Socialization is understood as a process by which the individual, in interaction with his fellow men, accumulates skills, knowledge, values, norms, attitudes and behaviors. The family must help society to reproduce itself socially, and the family members must adopt in the family the values promoted by society [4].
4. Psycho-affective function. The family appears as the most relevant socio-emotional background for most individuals. The family positively absorbs the joys and sorrows of its members, providing material and spiritual protection

School [5] success is influenced by a multitude of factors, the most important being the economic situation of the family and the cultural level of the parents through their attitude toward education. On the one hand, the poor economic situation of the family determines the school route of the student, given that many families, especially those from the rural level, do not have the capacity to bear the child's tuition costs, that is, supplies, clothing, transport, the end being, most of the time, school interruption. In the happiest case, school dropout occurs after the completion of compulsory schooling.

The risk of early school leaving by students depends largely on their socio-economic status. The effects of socio-economic status are clearly present in all education and training systems

in Europe. Children [6] from disadvantaged socio-economic backgrounds are less likely to participate in and benefit from early childhood education and care than children from more advantaged backgrounds. The initial disadvantage may intensify during school years if additional support is not provided to help children correct their educational gaps. However, equal participation in a quality early childhood education and care program is one of the most effective approaches to combating socio-economic inequalities in educational success. THE Pisa results demonstrate that the socio-economic parental environment is a key factor in determining success in terms of basic linguistic and mathematical skills. For example, the highest share of students below the minimum standard level of performance in mathematics is in the lower fourth of the socio-economic index. (PISA 2018-2021)

Each school trajectory is unique and is viewed from several perspectives: The student, the parent, the teacher. The perspective refers to the student's performance, school success and failure that mark this trajectory. School grades, good or poor student status, school success or failure has become, by extension, a standard of quality for all those involved in this process (pupils, teachers, parents, school institutions and social communities), while school failure or failure leads to the depreciation of the individual, school and family, and most of the time, it becomes synonymous with failure in life. Failure is no longer just a pedagogical problem, but also a social one. Most of the time, school failure has been defined by reference to what is its opposite, namely school success. It is considered that just as there can be no total and continuous success, so there can be no definitive and global failure.

School success consists in obtaining a higher efficiency in educational instructional activity at the level of the requirements of the programs and the educational goals, it represents the optimal positive form of the yield, also called school success. School success can refer to certain qualities of personality: intellectual abilities (thinking, memory, language, creativity, imagination, imagination, etc.), flexibility of thought (higher motivation of learning, higher character and behavior traits, etc.). When the goal is not reached and the expected result is not achieved, we are talking about failure.

School failure refers to staying behind the teaching or not fulfilling the mandatory requirements of the educational process. Compared to the traits of school success, it can be said that failure highlights poor learning outcomes and an insufficiency of the personality dimension of pupils expressed through weak intellectual and ethical-civic capacities, indiscipline, behavioral deviations, lack of motivation for learning, school inadaptation, professional and social.

The school [7] success has outlined its content and at the same time has delimited its meaning and significance according to the following criteria: The student's level compared to the previous results

- the student's level relative to the class level
- the level of the student in relation to the requirements

Knowing the causes that influence school failure is necessary for students and teachers at the same time, so that they become aware of the negative influences in their preparation and training. These factors are classified as psycho-socio-physiological, pedagogical or family [8] factors.

1. **Family factors** are the cases where children grow up in disorganized families or in families where the climate is not conducive to their normal growth and development due to misunderstanding among members, disinterest of parents in raising and educating the little ones. Lack of conditions for a normal life, lack of food, housing, clothing or shoes, lack of supervision of the child, this can lead to school dropout or the child committing crimes, lack of communication between families and teachers, overloading the child with various activities that can lead to nervous or mental disorders.

2. ***Psycho-socio-physiological factors***, [9] here we refer to mental and behavioral disorders that may be neurotic, affective, mental and characteristic in nature through which psychosis can manifest, in children generally manifests itself through phobias. Psychosocial disorders can be represented by conflicts with ethical and social norms due to disorders of social and interpersonal relationships within the social group to which they belong. They can manifest as psychosocial dissatisfaction highlighted in school, family or social inadaptability in general. Physiological disorders such as heart, biliary, endocrine, digestive, or nervous system diseases, sensory disorders of an auditory or visual nature. Psycho-socio-physiological causes can be reduced or even removed by the intervention of specialists, but the essential condition is their detection and timely intervention because late intervention may not have the desired result due to worsening of the situation in which the child is.

3. ***The pedagogical factors*** are exactly the opposite of the pedagogical factors that influence the success, namely: The inadequate quality of the organization of the school activity at certain levels, the content of the education inappropriate with the age peculiarities of the pupils, the insufficient training of the teachers from pedagogical-methodical [10] point of view but also scientific point of view, Inadequate or insufficient means of education, didactic methodology not suitable for active and heuristic participation of pupils in the educational process, superficial treatment of education which prevents the achievement of school performance, lack of collaboration between teachers and family.

School failure highlights poor results in learning and in the development of personality that can be highlighted in poorly developed intellectual and ethical-civic capacities, behavioral and indiscipline deviations, lack of interest, motivation and aspirations regarding their learning and future, school and social inadaptability, and at the end of the studies incapacity for social or professional integration. Education is a concept that has emerged with society and evolved with it, in recent years enjoying a complete attention on all aspects surrounding it. One of the key roles of education is the personal development of the individual, which continues through lifelong learning, also called adult education, so vital in contemporary society. The educational [11] path of the child begins from birth, the baby being born with a series of reflexes, to which gradually are added skills, basic knowledge, cognitive development, so education begins in the family, which then together with the school and the community forms a unitary whole that prepares the child for the future responsible, informed, active, involved and especially educated adult, who will constantly seek to become the best version of him.

Therefore, we can say that the essential factors underlying an individual and later a child's school performance are represented by the family [12] environment, the degree of involvement of parents, teachers and society alike, the motivation of students and the involvement they show, all of this works together and helps to increase or decrease school performance and to shape future generations. I will then present the findings of the research with reference to the hypotheses established in advance.

- Both teachers and students have confirmed this hypothesis. Social status influences [13] the school-family relationship as a first factor, and as a share, the next factor is indeed the degree of involvement of parents, students consider the emotional involvement of teachers an essential factor.

- Comparing the two questionnaires, in addition to social status, lack of time, level of studies and lack of interest of parents are the main causes that determine their non-involvement in the activities of students. Through their answers, the students confirmed that the parents [14] have stable work, so the lack of time dedicated to the children, but this provides them with at least medium financial support, but that involvement in activities is, as they said, only sometimes possible.

- Students have a school situation at least medium in large part, in which help from parents [15] would be required only in certain disciplines. Students with a good school situation do not

need help, while those with a low school situation need help. I add that help from parents is not enough, to increase performance, individual work is necessary, as they themselves consider it, and the help sustained through remedial hours from teachers, therefore, teamwork.

- The hypothesis regarding absenteeism is confirmed, it is considered a real problem, flourishing in the negative sense, the main cause, from the perspective of both target groups, is the lack of motivation and interest for school, along with poor communication parent-child and involvement in household activities. This must be remedied as soon as possible so that this problem does not become a habit and eventually develops total disinterest from children, delinquent and aggressive behavior [16], and even school dropout.

The personal conclusion I have from my research is that the socio-economic status does not influence to as much as I expected the school performance, it is also greatly influenced by the existing relationship between teachers and parents, lack of motivation and low interest from the family [17]. In cases where the school level of pupils is low, there is some correlation with the lack of a stable service of the parents and thus the absence of the Internet and an individual environment for the student. Instead, the school motivation is largely determined by the desire for a job, so by overcoming the condition and ensuring a stable future, and the second reason is the receipt of scholarships, so it is money and security that determine the necessary motivation [18].

As for the teacher-parent relationship, it is necessary to strengthen it, either through several activities together, or with the help of school counselors or by other methods. This is fundamental to achieving school performance [19]. The better the family and school work together, the more any deviation of the student from the school course (absenteeism, gaps that may arise, lack of motivation that teachers can notice, etc.) can be solved quickly, without having serious repercussions [20].

I believe that both parents and teachers need to be aware of the power they have together. Parents need to be aware of the major importance they have in their children's lives even after they start school. School does not replace the family, nor does the family [21] replace school, it is imperative that effective collaboration is done. I also believe that a supportive socio-economic-affective environment is essential to achieve both at school and at home. Last but not least, I think that teachers [22] have a huge power to increase students' performance, the methods are infinite, there is a need for will, support, strength and teamwork [23].

## REFERENCES

- [1] Apostu O. (2012). National study Romania: Analysis of the situation of children outside the education system in Romania, available at [https://unesdoc.unesco.org/ark:/48223/pf0000221282\\_rum](https://unesdoc.unesco.org/ark:/48223/pf0000221282_rum) , accessed: 15.04.2022
- [2] Babu M., Budai M. (June 2014). Partnership models, available at <https://ro.scribd.com/doc/227949825/Modele-de-Parteneriat> accessed: 10.12.2021
- [3] Butincu M. (November 2015). Motivation and school performance, available at <https://ro.scribd.com/doc/289375548/Motivatia-si-Performanta-scolara> accessed: 10.12.2021
- [4] Cazan A., Țoc S. (2018). The results of the educational system in Romania. The role of research in supporting educational policies, available at
- [5] [https://www.academia.edu/37010249/Rezultatele\\_sistemului\\_educa%C8%9Bional\\_din\\_Rom%C3%A2nia\\_Rolul\\_cercet%C4%83rii\\_%C3%AEn\\_sus%C8%9Binerea\\_politicilor\\_educa%C8%9Bionale](https://www.academia.edu/37010249/Rezultatele_sistemului_educa%C8%9Bional_din_Rom%C3%A2nia_Rolul_cercet%C4%83rii_%C3%AEn_sus%C8%9Binerea_politicilor_educa%C8%9Bionale):15.04.2022
- [6] Sausages D., Vociulescu F. (2014). The role of parents in the school success of pupils in primary education, available at [http://performer.ispef.biz/english/index\\_files/Carnat%20David%20Daniela%20Marta-%20Disertatie.pdf](http://performer.ispef.biz/english/index_files/Carnat%20David%20Daniela%20Marta-%20Disertatie.pdf) accessed: 9.01.2022
- [7] Moment O., Duca S. (2019). School failure, available at [https://www.academia.edu/40346941/E%C8%99ecul\\_%C8%99colar](https://www.academia.edu/40346941/E%C8%99ecul_%C8%99colar) accessed: 8.12.2021
- [8] Cîmpean I. (2007) School success and failure, available at [https://www.academia.edu/13173961/Succesul\\_iinsuccesul\\_colar](https://www.academia.edu/13173961/Succesul_iinsuccesul_colar) accessed: 8.12.2021



- [9] Cocorada E. (2011). Psychology of Education, available at <https://ro.scribd.com/doc/228664953/1-Psihologia-Educatiei-E-Cocorada>, accessed: 22.01.2022
- [10] Damean D., Roth M. (2009). Social dimensions of school success: The role of school and community in students' school performance, available at [https://www.academia.edu/69200430/Dimensiuni\\_Sociale\\_Ale\\_Succesului\\_%C5%9Ecolar\\_Rolul\\_%C5%9Ecolii\\_%C5%9Ei\\_Comunit%C4%83%C5%A3ii\\_%C3%8En\\_Performan%C5%A3a\\_%C5%9Ecolar%C4%83\\_a\\_Elevilor](https://www.academia.edu/69200430/Dimensiuni_Sociale_Ale_Succesului_%C5%9Ecolar_Rolul_%C5%9Ecolii_%C5%9Ei_Comunit%C4%83%C5%A3ii_%C3%8En_Performan%C5%A3a_%C5%9Ecolar%C4%83_a_Elevilor) accessed: 12.02.2022
- [11] Haraz S., Abu H.M., factors determining the school performance of 6-12-year-olds, available at [https://ibn.idsi.md/sites/default/files/imag\\_file/192-197\\_10.pdf](https://ibn.idsi.md/sites/default/files/imag_file/192-197_10.pdf) accessed: 15.01.2022
- [12] Inga C. (2017). Analysis of the influence of the school and family environment on the achievement of school performance by students, available at <https://www.soros.md/files/Studiu%20Chistruga-Sinchevici%20Inga%202017-09-29.pdf> accessed: 17.12.2021
- [13] Kacso A., Roth M. (2010). Rolul parental în situația școlară a copilului, disponibilă la [https://doctorat.ubbcluj.ro/sustinerea\\_publica/rezumat/2010/sociologie/Kacso\\_%20Agnes\\_RO.pdf](https://doctorat.ubbcluj.ro/sustinerea_publica/rezumat/2010/sociologie/Kacso_%20Agnes_RO.pdf) accesată: 12.02.2022
- [14] Mitrofan I. (1991). Familia de la A la ...Z. București: Științifică
- [15] Muscalu A. Relațiile Școală- Comunitate, Indicator al calității managementului performant, disponibil la [https://www.academia.edu/36782456/RELA%C5%A2IILE\\_%C5%9ECOAL%C4%82\\_COMUNITATE\\_INDICATOR\\_AL](https://www.academia.edu/36782456/RELA%C5%A2IILE_%C5%9ECOAL%C4%82_COMUNITATE_INDICATOR_AL) Accesată: 15.02.2022
- [16] Neagu G. (2011). "Efectul Școală" asupra performanțelor educaționale ale elevilor, disponibil la <https://www.revistacalitateavietii.ro/2011/CV-3-2011/02.pdf>, accesat: 11.04.2022
- [17] Neagu G. (2012, 5 ianuarie). Accesul la educație al copiilor din medii defavorizate, disponibil la <https://ro.scribd.com/doc/77276094/Accesul-La-Educatie-Al-Copiilor-Din-Medii-Defavorizate> accesat: 10.12.2021
- [18] Nicolae E., Dumitru D. (2018, 19 noiembrie). Modalități de prevenție și combatere a eșecului școlar, disponibil la <https://ro.scribd.com/document/393610763/Modalitati-de-Prevenire-Si-Combatere-a-Esecului-Scolar> accesat: 15.12.2021
- [19] Podașcă A.R., Insuccesul școlar disponibil la
- [20] [https://www.academia.edu/32208577/Insuccesul\\_%C5%9Fcolar](https://www.academia.edu/32208577/Insuccesul_%C5%9Fcolar) accesat: 15.12.2021
- [21] Pescaru A. (2004). Parteneriat în educație. București: Aramis
- [22] Roșca Al., (1971). Metodologie și tehnici experimentale în psihologie, Științifică
- [23] Sandu M. (2017, ianuarie). Impactul neglijenței în familie asupra performanței școlare. Modalități de prevenire a insuccesului școlar, disponibilă la
- [24] [https://www.researchgate.net/publication/340678631\\_Impactul\\_neglijentei\\_in\\_familie\\_asupra\\_performatei\\_scolare\\_Modalitati\\_de\\_prevenire\\_a\\_insuccesului\\_scolar](https://www.researchgate.net/publication/340678631_Impactul_neglijentei_in_familie_asupra_performatei_scolare_Modalitati_de_prevenire_a_insuccesului_scolar) accesată: 14.02.2022
- [25] Szocs A. L. (2013). Efectele statutului socio-economic asupra performanțelor școlare, disponibil la [https://www.academia.edu/40694533/Szocs\\_A\\_Levente\\_Efectele\\_statutului\\_socio\\_economic\\_asupra\\_performantei\\_scolare](https://www.academia.edu/40694533/Szocs_A_Levente_Efectele_statutului_socio_economic_asupra_performantei_scolare) accesat: 15.01.2022
- [26] Șerbu C. (2019). Analiza Swot și parteneriatul școală-familie, disponibil la
- [27] <https://ro.scribd.com/document/397522582/PARTENERIAT-SCOALA-FAMILIE>, accesat: 14.02.2022

# Optimising the Parents-Students- Teachers Relationship by the Use of the New Information Technologies and the Impact on the Educational Path of Primary School Students

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## Abstract

The unprecedented evolution of technology and its presence in all activity fields, including education represents the starting point of this paper. The chosen topic is represented by the analysis of the forms in which the new information and communication technologies [1] are utilised by the main actors actively involved in the educational process. The research aims to emphasise the impact of the technological phenomenon in education. Learning with the help of the new information and communication technologies must play an important part in the traditional learning, therefore taking advantage of all the opportunities that ensure a good quality education.

*Keywords: communication, information technology, education, traditional, teaching, modern.*

The education quality is given by the level of communication among all those involved in the process. Some suggestions must be made in order to achieve high quality education: a change in the mentality related to the learning process aiming to turn form informative to formative; the necessity of an interdisciplinary approach of the instruction; designing new form of assessment in accordance to the needs and requirements of the modern person; employing modern technical means which are characteristic for the digital age. Our fast-changing society brings about continuous innovation in technology and science fields. Over the last decades, the information technologies have revolutionised the manner people work and communicate [2]. From the beginning of the 21st century, technology has become slowly but surely an integrated part of our everyday life to such an extent that we cannot visualise our existence without it.

Deep transformations have taken place in industry, agriculture, medicine and many other fields including the educational system by modifying not only the roles of the teachers and the students in the teaching-learning process but also the roles of the parents in order to establish a satisfying level of communication. Educational systems all over the world are faced with an ever-growing demand to modify the curriculum and to implement the use of information technologies with a view to provide the students with the necessary knowledge and skills essential nowadays. Due to the fast rhythm of change, that the digital world generates in day-to-day activities students must be prepared for the future.

The simple fact that technology is in everything that surround us is reason enough to change young people assimilate information. There is a close relationship of inducement and empowering between the digitalised world and education, the technological advances being a consequence of higher level of education and in its turn education benefits from these developments.

The new technologies could have a double educational effectiveness: on the one side, they facilitate and aid education if they are carefully integrated into educational practices; on the other hand, they generate the demand for new skills which are to be developed within teaching

institutions. In addition to this, integrating new technologies into the educational process leads to a recalibration and adaptation of traditional teaching methodologies by contextualisation, modernisation and innovation. Technology [3] influences teaching methods but the old methods are not excluded, on the contrary, they are called for inspiration and guidance, even contested. The relationship between education and technology becomes a more dynamic and complex one; firstly the unprecedented and permanent evolution of technology which requires new skills, attitudes and behaviours, secondly the fast rhythm of absorbing these new technologies.

Communication and information technologies [4] build a new approach of teaching, one required or created by the virtual world. However, this is no less important than the classical contents, many of these being doubled by digital versions. Both options generate different formative representations and experiences, which complete and stimulate each other. Technology has no limit and its expansion is a continuous one. The limits imposed by the reduced access to sources of information disappear once technology enters the education sphere.

Confronted with the innovations that continually appear in the technology field, more times than not those with authority in education, researchers and even the teachers themselves have said that they fail to see their applicability in the educational fields. However, it has been proved that due to the enthusiasm of those using them new technologies have a more and more rapid rhythm of being integrated into teaching methods, leaving teachers to turn into opportunities things that in the past seemed impossible.

A good exemplification is the pandemic, that we all went through in recent years, which forced teachers to become overnight “experts” in teaching remotely by using computers, the internet and countless teaching platforms while at the same time helping our students to use them even as we were still struggling to make sense of them.

Due to the everchanging society instead of an integration of new skills we were faced with a complete change, and it is important to know how much we have learnt from it. It is obvious that it will take some time for the new technologies to become a natural tool in the classroom used to aid the learning process and not to be used as a means to ensure novelty and entertainment. It becomes the teacher’s responsibility to decide if a certain learning stage could be improved by the use of digital resources in order to meet the students’ needs and interests. Lately, children have been introduced to the high-tech digital devices from a very young age which lead to the question whether these new devices and apps are a positive or, on the contrary, a negative thing in their life.

Although the benefits and opportunities that the internet provides for children’s development are more than obvious, it is essential to have a closer examination of the risks that they are exposed to while interacting online. Students are likely to be distracted by using online teaching apps and what is more, the great amount of that that they have at their hand may prevent them from proper concentration efficient learning because of brain overstimulation which most often than not lead to multitasking. In this day and age books are not the only available sources of information and knowledge there are also internet sources, documentaries, educational platforms, materials posted by other teachers on their websites or their social media pages.

Considering these circumstances, the educational system cannot take place on its own but it shifts the emphasis from the teacher and the information transfer, on the student and a set of suitable skills for their age and level of understanding. This approach that has the student at its core focuses not on how much information is transmitted in the class, but rather on how it is organised and how relevant it is for the children’s needs. From another point of view communication and information, technologies are not meant to replace the teacher but only to supply some extra help. The main advantage of course materials and lessons in electronic format is the fact that students can access them not only during class while the teacher explains, but also after class, in order to go over certain aspects thus expanding the teaching outside the

classroom. Furthermore, all this information posted on-line can be of great use for teachers in exchanging ideas among themselves in order to improve the teaching methods. At the same time, digitalisation enables parents to go beyond checking children's homework and grades offering them the opportunity to understand school activities better.

Considering that, the classical means of communication in schools is the direct one, most often, the only contact that parents have with the teaching institution is limited to the parents-teachers' meetings and some informal meetings with the teachers. However, this level of communication proves to be insufficient with negative effects not only on students' motivation but also on parents' interest in the educational process. Keeping parent up to date is an important aspect and, in many instances, it becomes a challenge for the educators. The reasons for this state of fact are plenty and, in some cases, a face-to-face meeting is simply impossible.

A solution for person-to-person discussions comes again from the informational technologies, which allow us to beyond barriers that have been recently impossible to cross giving parents the opportunity to be actively involved in their children's lives from anywhere in the world. One must recognise the downsides if this kind of communication, the lack of emotional involvement and empathy, and the risk of having the whole discussion could be altered due to the physical distance between parent and child. Nevertheless, on the other hand, the convenience of having a permanent channel of communication between school and family will have a positive influence on children's development by guiding and supporting parents in creating a solid and honest relationship with the teacher.

## **Conclusions**

In the modern world technology is everywhere around us. Introducing digital tools in the educational practice is doubtless the most powerful method of ensuring all children have access to high quality education everywhere and at any given moment. Even if many teachers still prefer traditional teaching methods the benefits of combing these with new, modern, digital methods are countless. Technology brought the freedom for teachers to adapt their lessons according to students' learning styles and to encourage differentiated learning. Nowadays everyone has an internet-connected device but its value depends a great deal on the person using it. While they are largely used as a popular form of entertainment, computers, tablets and smartphones could easily turn into essential educational tools.

The permanent development of society and knowledge encouraged people to use the new technological devices as tools in the educational process and they have become indispensable in designing an interactive and modern teaching system. The internet and its applicability has indeed changed some teaching rules but it has not brought happiness on Earth performing miracles for students. Acquiring knowledge is a complex process and it has been facilitated but it still depends in a large measure on the individual. The impact the communication and information technologies has on students could be analysed on deferent levels: their intellectual, social and emotional behaviours.

From this point of view, a few aspects could be emphasised: a higher level of motivation in the classroom, a rise in their interest in learning, better activity in class, improved concentration and greater school performance. Considering the enormous technological leaps that the world periodically goes through and the particularities of the new generations, it has been considered that digitalizing education has become a necessity even without a crisis. Parents have different opinions related to the massive use of technology in the classroom outside a period of crisis, especially for primary school students due to the fact that children's bodies in full process of growth and prolonged screen time could be seriously damaging. In addition, a digitalised type of education not only deprives students of human and social interaction isolating them and turning them into introverts but also it can cause health problems because of a lack of exercise.

Apart from these aspects, one could also mention the fact that in remote areas not all children have proper internet connection.

Using communication [5] and information technologies must not become an obsession especially when it comes to primary school because every student has the right to the same chances to achieve high school performances, which means finding the adequate teaching methods for each particular case. Therefore, educators should not give up using the board, the course books, solving problems and carrying out real experiments.

To sum up it could be stated that in order to reach a desirable level of education, and to ensure satisfactory performances for primary school students a mixture of traditional and modern methods should be used in teaching, learning and assessment. The world we live in is continually changing. The quality of life depends on adapting to the information society. If the implementation method is a correct one, it generates a plethora of possibilities for improvement in the educational field. In the present day, context there is an extensive need for children to be prepared to work and function in a world dominated by computers.

The aim of an education based on digital resources is not to demonstrate that it has instant answers in a competition with other systems of education, but to substitute some of the available structures with new sets of skills which respond to the inherent changes on culture and civilisation.

## REFERENCES

- [1] Botnariuc P., Cucuș C., ș.a. (mai 2020). Școala online. Elemente pentru inovarea educației. Raport de cercetare evaluativă, disponibilă la: [https://www.psih.uaic.ro/wp-content/uploads/sc\\_onl\\_rap\\_apr\\_2020.pdf](https://www.psih.uaic.ro/wp-content/uploads/sc_onl_rap_apr_2020.pdf). accesat: 12.12.2021
- [2] Franțuzan L., Pisău A. (2020). Învățarea online: între provocare și oportunitate. Didactica Pro. 6 (124), 20-25. Disponibilă la: [https://ibn.idsi.md/sites/default/files/imag\\_file/20-25\\_27.pdf](https://ibn.idsi.md/sites/default/files/imag_file/20-25_27.pdf). Accesată: 12.12.2021
- [3] Hosszu A. (decembrie 2020). Percepții despre calitatea educației online. Disponibil la: [https://cdn.edupedu.ro/wp-content/uploads/2020/12/Rezultate-sondaj-online-calitatea-educatiei-online\\_dec2020.pdf](https://cdn.edupedu.ro/wp-content/uploads/2020/12/Rezultate-sondaj-online-calitatea-educatiei-online_dec2020.pdf). Accesat: 12.12.2021
- [4] Covaci M. (2010). Învățarea tehnologizată și particularitățile ei psihologice. Disponibil la: [https://ibn.idsi.md/sites/default/files/imag\\_file/Invatarea%20tehnologizata%20si%20particularitate%20ei%20psihologice.pdf](https://ibn.idsi.md/sites/default/files/imag_file/Invatarea%20tehnologizata%20si%20particularitate%20ei%20psihologice.pdf). Accesat: 16.12.2021
- [5] Negoită A. (2014). Relația de comunicare cu părinții-Comunicarea cu părinții. Disponibil la: [https://ro.scribd.com/doc/202019341/Comunicarea-Cu-Parintii?language\\_settings\\_changed=Rom%C3%A2n%C4%83](https://ro.scribd.com/doc/202019341/Comunicarea-Cu-Parintii?language_settings_changed=Rom%C3%A2n%C4%83). Accesat: 16.01.2022

# **EUROPEAN PROJECTS**

## The Project “Innovative Practice of Students – UDC” Successfully Implemented at Dimitrie Cantemir University from Târgu Mureș

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### Abstract

“Dimitrie Cantemir” University from Târgu Mureș, as the Sole Beneficiary, has successfully completed the implementation of the project “Innovative Student Practice – UDC”, project co-financed from the Human Capital Operational Program 2014 - 2020, Priority Axis 6: Education and Skills, SMIS Code: POCU 626/6 /13/130510. *The main objective of the project* consisted in the increase in the number of university and non-university tertiary education graduates from the Dimitrie Cantemir University of Târgu Mureș (UDC), who find a job as a result of access to learning activities at a potential job, with an emphasis on the economic sectors with competitive potential identified according to SNC and smart specialization areas according to SNC DI. The “Innovative Student Practice – UDC” project addressed students enrolled in the “Dimitrie Cantemir” University in Târgu Mureș, in the bachelor's or master's cycle, from the Faculties of Psychology and Educational Sciences, Law, Economic Sciences and Geography. The results of the project were presented at the Final Conference in 21 November 2022, at Dimitrie Cantemir University.

*Keywords: Student practice, innovative, simulated learning activities*

### About the Project

The project was implemented in an interval of 24 months, respectively between 28.10.2020-27.10.2022, the period in which unforeseen risks appeared (the COVID-9 pandemic; the war in Ukraine, etc.) that affected the entire economy, implicitly project implementation. However, the target group of 325 students was achieved, thus at the end of the project 329 students completed the activities provided in the project.

During the course of the project, the students benefited from learning programs at the workplace, such as internships or internships, based on partnerships created with economic agents, thus benefiting from the valuable experiences of the practice tutors.

The project team was made up of: Bălan Sorina- Mihaela - Project Manager, SA 1.1.; Murgu Alexandru- Bogdan - Responsible for relations with organizations, SA 2.1; Mircea Simionescu and Savu Lucian - Internship manager, SA 2.1; Solovăstru Alina - Responsible for Target Group, SA 2.2.; Oroian Maria - Practical coordinator at employers (practical training tutors), SA 2.3. and SA 2.4; Ciotea Margareta - Coordinator of simulated enterprises, SA 3.1; Ciotea Valentin Florin - IT Expert, SA 4.1. and SA 4.3; Cotruș Andrei and Stanciu Camelia - Responsible for counselling and professional guidance, SA 5.1 and SA 5.2.; Moraru Adela - Head of Research Center, Innovative Learning CDII, SA 6.1. and 6.2; David Marinela-Doina – Practice manager, SA 3.2; Murgu Andrei- Bogdan- Practice Manager, SA 3.2; Tomulețiu Elena-Adriana - Practical coordinator, SA 3.2; Avram Eleonora-Laura - IT Assistant, SA 4.2; Pop Anca – Responsible for training courses, SA 7.1; Rațiu Ramona and Moldovan Ioan – Trainers, training courses, SA 7.2 and Short-term experts – Practical tutors.

## Specific Objectives of the Project

***OS.1-organizing and running workplace learning programs for 325 students of UDC, within the newly established/developed partnerships, which facilitate the insertion on the labor market of tertiary education graduates, according to SNC and the areas of intelligent specialization according to SNCDI.***

*Long-term experts: Associate Univ. Ph.D. Murgu Alexandru Bogdan; Professor Univ. Ph.D. Simionescu Mircea; Associate Univ. Ph.D. Oroian Maria*

*Short-term Expert: Lecturer univ. Ph.D. Solovastru Alina and Practice tutors*

### ***Internships-a Retrospective Look***

#### *Stage I*

- Conclusion of collaboration protocols with practice partners: 41 collaboration protocols (FIRST YEAR) and 4 new collaboration protocols (YEAR II)
- Formation of the target group- 185 students / master students from UDC (FIRST YEAR) and 144 students / master students from UDC (second year)
- Elaboration and printing of practice notebooks: 425 practice notebooks printed and distributed to students
- Selection of practice tutors: 49 practice tutors employed (1st YEAR) and 35 practice tutors employed (YEAR II).

#### *Stage II*

- Assignment of students to practice partners and tutors
- Providing assistance in completing practice conventions
- Coordination and monitoring of traineeships
- Constant collaboration with tutors and students

#### *Stage III*

- Checking Tutor's activity reports
- Checking students ' practice books
- Preparation of Student Scholarship files
- Elaboration of the methodology for granting scholarships to internships

The practice partners are listed from each faculty:

### ***FACULTY OF PSYCHOLOGY AND EDUCATIONAL SCIENCES***

1. Individual Psychology Office Nechifor Constantin;
2. Individual Psychology Office Nilca Stefania Diana;
3. SC Delgaz-Grid SA;
4. S.C. Roger Raval Events S.R.L.;
5. Professional Civil Society of Psychology Coşa & Asociații
6. Individual Psychology Office Vlas Daniela-Silvia
7. Individual Psychology Office Zsigmond Otilia
8. Retegan Felicia Individual Psychology Office
9. SC Baile Sarate SRL
10. Maurer Imobiliare Mureş SA
11. SC Proactiv777 SRL
12. SC Fomco Business Management SRL
13. Mures County Clinical Hospital
14. Targu Mures Penitentiary
15. Neag Cosmina Individual Psychology Office



16. Popescu Daniel individual psychology office
17. Popescu Teodora Liana Individual Psychology Office
18. Individual psychology office Maris Adina
19. Pop Ramona individual psychology office
20. Individual psychology office Stanciu Camelia
21. Individual psychology office Gheorghiu Eugenia-Daniela
22. Unirea National College Tg. Mures
23. Gymnasium "Omega" Tg. Mures
24. Mihai Eminescu National Pedagogical College
25. CSEI 1 Tg. Mures

**FACULTY OF LAW**

26. SC Maco Construct SRL
27. Primaria Ungheni
28. Ursulescu Floarea Bailiff's Office
29. Emil Fagarasan Law Firm
30. Law Firm Greu Ancuța Bianca
31. Individual Notary Office Hurubă Raluca
32. Bogdan Anca Viorica Mediator's Office
33. Moldovan Ovidiu Law Firm
34. Mureș Bar

**FACULTY OF ECONOMICS**

35. MC TRANS S.R.L
36. SC ULTRATEST SRL
37. BIO EEL SRL
38. EXALEX SA

**FACULTY OF GEOGRAPHY**

39. SC GRANT SA
40. S.C. SILCELLA S.R.L.
41. Mureș Water Basin Administration

The distribution of the students and tutors can be read in Table 1.

**Table 1.** The distributions of target group in practice activity

FACULTY OF PSYCHOLOGY AND SCIENCES OF EDUCATION					
		I	II	I	II
Bachelor-Year 2	Specialiated Practice (Clinical)	28 students	--	7 tutors	--
Bachelor-Year 3	Specialised Practice (Clinical)	50 students	35 students	13 tutors	10 tutors
Master ACI	Specialized practice for the elaboration of the dissertation thesis	12 students	13 students	4 tutors	4 tutors
Master PCTI	Specialized practice for the elaboration of the dissertation thesis	11 students	14 students	3 tutors	4 tutors

Master - (HRM)	Specialized practice for the elaboration of the dissertation thesis	--	7 students	--	1 tutors
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#### FACULTY OF LAW

		I	II	I	II
Bachelor-Year 4	Specialised Practice (Clinical)	41 students	48 students	9 tutors	9 tutors
Master – PJPL	Specialized practice for the elaboration of the dissertation thesis	10 students	--	3 tutors	--

#### FACULTY OF ECONOMICS

		I	II	I	II
Bachelor-Year 2, ECTS	Specialised Practice (Clinical)	3 students	--	1 tutor	--
Bachelor-Year 3, ECTS	Specialized practice for the elaboration of The Bachelor's thesis	10 students	9 students	3 tutors	3 tutors
Bachelor-Year 3, Finance and banking (FB)	Specialized practice for the elaboration of The Bachelor's thesis	9 students	3 students	3 tutors	1 tutor

***OS.2 - organization and development of simulated learning programs for 160 students (out of the 325 students related to OS objective.1), within the UDC, through the creation of transdisciplinary laboratories in the economic, legal, psychological fields.***

*Long-term experts: Prof.dr. Tomuletiu Elena-Adriana, practice coordinator at the University; Associate Univ. Ph.D. David Marinela-Doina, practice mentor; Assist. Prof. Ph.d. Murgu Andrei Alexandru, practical mentor and Lecturer univ. Ph.D. Ciotea Margareta*

#### **Project Results-Simulated Enterprises**

Activity results “A 3.1 Establishment and development of simulated enterprises”:

- 4 laboratories established for simulated enterprises, in the economic, legal, psychological and geography/tourism fields;

- 160 students selected for practice in simulated enterprises;

Activity results “A 3.2 Development of simulated learning programs”:

- 30 simulated enterprises established;

- 160 students participating in practice in simulated enterprises;

Activity results “A 3.3 Organization of fairs for simulated enterprises and awarding of simulated enterprises”:

- 2 fairs for simulated enterprises;

- 30 simulated enterprises established;

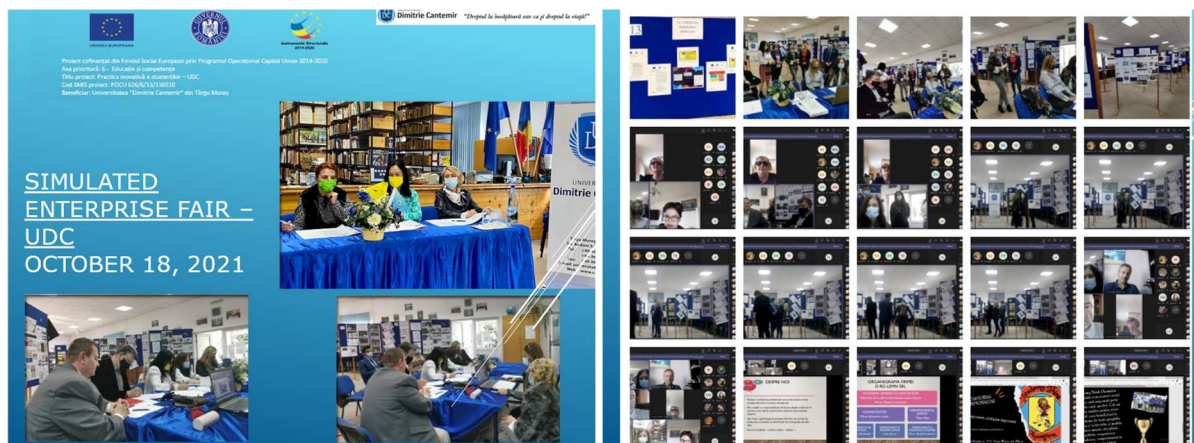


Image 1, 2: from first Simulated Enterprise Fair



Image 3, 4. Second Simulated Enterprise Fair

**OS.4 - Organization and development of counselling and professional orientation activities for 325 students, focused on acquiring skills that meet the needs of the labor market.** Experts: Assoc. Prof. Ph.D. Cotruș Andrei and Associate Prof. Ph. d. Stanciu Camelia.

The students benefited from career counselling and guidance, thus developing the professional skills necessary for optimal integration into the labor market, in their own specialized fields.

Activity results “**A 5.1 Organization of counselling and guidance activity**”: 325 students enrolled for counseling.

Activity results “**A 2.1. Organizing and conducting counselling sessions**”: 325 students; 750 individual counselling sessions; 82 counselling sessions in groups of maximum 4 people.

**OS.5 - Establishment and development of a Center for Innovative Development and Information, hereinafter referred to CDII, p for advanced and innovative research, addressed to UDC students, to which teachers and students from different social and professional backgrounds will be involved.**

Long-term expert: Associate Univ. Ph. D. Morar Adela

Through the Innovative Development and Information Center (CDII), the students benefited from the experience of professional practitioners or teachers/teaching staff in 22 workshops held monthly, they had access to weekly consultation regarding the realization of their own scientific research, they had access to valuable scientific and research resources for academic and professional development; carried out in collaboration with the teaching staff research

projects and specialized articles finalized with their publication in the collective volume “Innovative Strategies in Education”, currently being published by the Risoprint publishing house, Cluj Napoca.

## **Project Results – CDII**

Results related to the activity “A 6.1”: 4 research/development/innovation projects initiated; minimum 26 people enrolled in projects.

Results related to the activity “A 6.2”: 4 research/development/innovation projects; at least 26 people involved in research projects; 4 databases with project results; 4 specialized articles in national / international journals; 1 collective volume published at a nationally recognized publishing house; 3 appearances in print media; 1 TV appearance; 4 partnerships with the European academic community; 8 partnerships with specialized companies / institutions; 22 workshops organized.

The list of workshops can be read:

- February 19, 2021-W1. Gender equality in the choice and exercise of the profession
- February 26, 2021-W2. Transversal competences in professional development
- March 24, 2021-W3. Media impact in education
- April 22, 2021-W4. Education for physical, emotional and spiritual well-being
- May 19, 2021-W5. Innovative learning through simulated enterprise
- May 19, 2021-W6. Internship and practice-Career Launch opportunities
- May 27, 2021- W7. Scientific research skills in career
- June 24, 2021- W8. Research methodology in the elaboration of Bachelor's and dissertation thesis
- July 8, Julie 2021- W9. Managing emotions and preparing oral presentations of Bachelor's and dissertations
- July 23, 2021- W10. Career counselling and professional success
- September 23, 2021- W11. How to write a scientific article for publication
- October 22 2021- Symposia online: innovative practice an important step in professional training
- November 23, 2021-W12. Research methodology in the elaboration of Bachelor's and dissertation thesis
- January 27, 2022-W13. Successful experiences in the profession of psychologist
- February 28, 2022-W14. Nutrition and brain health (I)
- March15, 2022- W14. Nutrition and brain health (II)
- March22, 2022- W14. Nutrition and brain health (III)
- April 5, 2022- W15. Statistical processing of data in SPSS
- May 24,2022- W16. Critical thinking and argumentation
- June15, 2022- W17. Fighting hail. Implications for agricultural production and food security
- July 21,2022- W18. The good, the truth and the beautiful in art and psychology
- August 22, 2022- W19. Entrepreneurship in the social economy
- September 5, 2022- W20. Social pharmacy-example of good practices in social entrepreneurship
- September 22, 2022- W21. Circular economy - part of the definition of the future
- October 19, 2022- W22. Gender equality and access to the labour market.

**The specific objectives of the project OS.3- developing an Innovative Information System to provide permanent information on the needs of the labour market and to to be enlisted minimum 900 students and 100 companies, until in October 2023.** Long-term experts: Associate prof. Ph.D. Ciotea Valentin and Associate Prof. Ph. d. Avram Laura Eleonora.

Activity results **“A 4.2 Implementation, development and maintenance of the IT system”**: - an e-jobs application implemented.

The system provides up-to-date information on labor market needs.



**Image 5.** The project web: <https://practicainovativaudc.eu/site/platforma-e-jobs-udc/>

The present project contributed through its activities to the correlation of the skills acquired during the faculty with the requirements of the labor market as well as to the increase of the employment rate among the young people in the Center region.

### **A 7. Accredited Vocational Training Courses Organized Within the Project**

*Experts: Pop Anca, training courses expert; Associate Univ. Ph.D. Ratiu Ramona, training expert; Lecturer univ. Ph.D. Moldovan Ioan, training expert Moldovan Ioan, training expert.*

A number of 48 students attended training courses at the end of their participation (Psychology-23, Low- 10, Economic Sciences-8, Geography-7). The two training courses “Project Manager” and “Entrepreneur in Social Economy” were authorized by ANC. Through these activities, students acquired social responsibility skills and entrepreneurial skills, which increased the chances of employment on the labor market or of starting their own business. Even if the effects are not immediately visible, these results will also materialize in the coming months.

Results of the activity “A 7.1 Selection of the target group and development of the training program”: minimum 48-persons enrolled in the training program courses.

Results of the activity “A 7.2 Development of courses within the training program”: 2 ANC authorized training courses; 2 electronic manuals; 4 course groups organized; 360 hours of class organized; 48 students participating in courses; 48 students will receive scholarships worth 250 lei; 48 participants will receive ANC Qualification / Graduation Certificate of the course; 120 courses edited and printed.



**Image 6, 7.** The training courses “Project Manager” and “Entrepreneur in Social Economy” were authorized by ANC.

### The Sustainability

The sustainability of the project is based on the continuation, valorisation and integrated approach of the results of the project, as well as outside it.

The project includes activities to ensure the continuation, capitalization of the project results and the transferability of the results after its completion, which allows access to the project results and other categories of people than those included in the project (the project website will be active online even after the completion of the project, where they will periodically publish information about practical training in order to get a job more easily)

In order to continue the project, after the completion of the non-refundable financing and to increase the number of applicants, a strategy was developed based primarily on the continued use of the goods purchased within the project and which remain in the applicant's patrimony as well as through training, within the simulated enterprise and the laboratories of students, graduates, the unemployed, other categories of people interested in finding a job, employees of a company or people who intend to establish their own company. Guidance and assistance will be provided to students, graduates and other categories of people interested in finding a job, in collaboration with AJOFM.



**Image 8.** A part of team project at the Final Conference  
Project financed by the European Union through the Human Capital Operational Program 2014-2020  
SMIS Code: POCU 626/6/13/130510.

## REFERENCES:

- [1] My SMIS, Project application (2022) Practica Inovativa a studentilor UDC
- [2] Haja Alexandra, Proiect nou la Universitatea “Dimitrie Cantemir” (2020), <https://www.zi-de-zi.ro/2020/11/19/proiect-nou-la-universitatea-dimitrie-cantemir/>
- [3] Redactia zi de zi, Proiect finalizat la Universitatea “Dimitrie Cantemir” Târgu Mureş (2022), <https://www.zi-de-zi.ro/2022/11/23/proiect-finalizat-la-universitatea-dimitrie-cantemir-targu-mures/>
- [4] Intreprinderi simulate (2022) <https://practicainovativaudc.eu/site/intreprinderi-simulate-udc/>
- [5] Departamentul Strategii, Programe si proiecte. Website UDC (2022): <https://en.cantemir.ro/departamente/strategii-programe-si-proiecte/proiecte/practica-inovativa-a-studentilor-udc/>
- [6] Practica Inovativa a studentilor UDC, Project website (2022)-: <https://practicainovativaudc.eu/site/>
- [7] Galerie foto - Practica Inovativă a Studenților UDC, <https://practicainovativaudc.eu/site/intreprinderi-simulate-udc/targul-intreprinderilor-simulate-editia-i/despre-intreprinderile-simulate/>
- [8] Târgul întreprinderilor simulate – ediția I (2022), <https://practicainovativaudc.eu/site/intreprinderi-simulate-udc/targul-intreprinderilor-simulate-editia-i/>
- [9] Târgul întreprinderilor simulate – ediția I (2022), <https://practicainovativaudc.eu/site/intreprinderi-simulate-udc/targul-intreprinderilor-simulate-editia-ii/>

## **Method of Simulation in the Educational Practice with the Students – Case Study on the Simulated Enterprises**

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### **Abstract**

The paper starts with a description of the method of simulation, of the advantages of its application in the educational practice with the students, continuing with the presentation of the case study concerning the application of a variant of this method – the method of the simulated enterprises – on a number of 227 students of the Dimitrie Cantemir University of Târgu-Mureș. This activity took place within the projects of Innovative Practice of the UDC students, a project co-financed from the European Fund through the Operational Program of the Human Capital (priority axis: 6 – Education and competences, POCU 626/6/13/130510).

*Keywords: method of simulation, simulated enterprise, entrepreneurship, competences.*

### **What Represents the Method of Simulation?**

The simulation is a method on of experiential training that consists in the imitation or replication of certain events, procedures or actions in an educational context, the students being put in the situation of experimenting a concrete situation [1], to fulfill real roles in life [2], to highlight as such ones knowledge and skills acquires until the present, to think critically, engaging the student's capacity of action, one's possibilities of heuristic exploitation of the reality. Such formative objectives become achievable by means of the simulation of certain roles, certain structures, etc. (role playing, dramatized learning, learning on a simulator) [3]. This teaching strategy is based upon the principles of constructive teaching and learning [1], has the great advantage that it can be conceived for any type of learning, and can be adapted to the needs, interests and potential of each student. Through this method, the learning process takes place by reporting to a real situation, the students' behavior not being controlled, having the freedom to highlight his/her previous experience, knowledge and skills acquired at school or outside it, coming with his/her own opinions, feelings and personalities, thus contributing to the enrichment of the learning process.

### **The Implementation of the Method of Simulation.**

Three steps are essential in the application of this method, namely [4]: preparation, the active participation of the students and the post-simulation discussions.

*Preparation.* Although simulations involve the students' total implication, the teacher having rather the role of a moderator or facilitator, require nevertheless an intensive preparation before their application. Of course, that the preparation varies depending on the type and complexity of the simulation, but all the material, psycho-pedagogical and social conditions



must be created, in order to be able to be applied, requiring a detailed anticipative evaluation from the professor's behalf concerning the potential risks that might appear along the way.

*The students' active implication.* The efficient learning within the simulations takes place when the students are actively involved. They must predict and explain the result that they expect the simulation to generate, each assuming a certain role that he/she knew or not before the simulation. Most of the times this is not known until the simulation.

*Post-simulation discussion.* This step leads to a more profound learning, the instructor offering enough time to the students in order to reflect and discuss about what they have learned from the simulation. The questions must be prepared before the discussion, in order to insure that the pupils/students are discovering the relation between simulation and the objectives of the course.

### **The Advantages of this Method**

As different authors appreciate [5], this method presents a series of advantages: it offers the possibility to the students to understand different ways of thinking, living, feeling, actions specific to a certain status; it develops the empathy and capacity to understand other people's opinions, feelings, aspirations; it contributes to the experience and competence to solve the difficult problematic situations; the students have the possibility to verify the accuracy of the formed behaviors and to destroy the ones learned in a wrong way, etc.

The application of this method leads to the concrete, real, objective understanding of the simulated reality due to the students' active implication in the learning activity, becoming more active and involved in the learning activities [6].

This method encourages the education of a higher order, developing the skills of critical thinking and self-directed learning [7].

The pupils/students who benefit of such learning experiences through simulation, are being perceived as more competent practitioners than the ones who do not benefit of such experiences [8].

Another great advantage of it is that it can be applied in any field of activity, at any school subject – economy, mathematics, social sciences, etc – leading to the students' connection to the daily life, facilitating the transfer of knowledge to the real-life experiences.

### **Simulated Enterprise – A Variant of the Method of Simulation**

It is an interactive learning method which targets the development of the entrepreneurial spirit of the pupils/students, by the interdisciplinary integration and application of knowledge and skills acquired during the professional training, its purpose being to develop entrepreneurial skills at pupils/students by simulating the processes and activities that take place in a real enterprise and the relations with the external environment [9]. This method is all the more useful as it comes to prevent numerous issues with which young people are being confronted with, one they leave school: the high level of unemployment [10], the lack of hope in finding a job [11], the growth of the migration phenomenon among young people [12], and all of this on the background of a severe deficit of professional skills that make a difficult transition from school to the labor market.

On the background of these problems, it can be said that a method of simulated enterprise can represent an instrument of practical training of future graduates, who are using procedures and means identical with the ones from within a real enterprise, leading to the development of professional skills, but also transversal – communication, teamwork, assuming responsibilities –, as well as to the development of the entrepreneurial spirit.

## Case Study Concerning the Application of the Method of Simulated Enterprise in the Educational Practice with Students

In the period 2019-2022, within the project “Innovative Practice of the UDC Students”, co-financed from the European Fund through the Human Capital Operational Program (priority axis: 6 – Education and Skills, POCU 626/13/130510), 227, the students of the “Dimitrie Cantemir” University of Târgu Mureș, under the coordination of four tutors, have been involved in the implementation of this method, the purpose being to develop transversal entrepreneurial skills, namely teamwork, self-management, spirit of initiative, communication, digital skills, etc. Concretely, depending on their specializations, the students have been distributed per departments, as it follows: the ones from the Faculty of Psychology and Sciences of Education have been part of the Department of Human Resources and the Department of Marketing, the students from Geography – Marketing, the ones from the Economic Sciences – Financial and Accounting Department, and the ones from Law, have been distributed within the legal Department. After their notification concerning the specific tasks of each department, it was passed to their grouping per mixed teams, so that each team had between six and eight members, one or two students from each specialization. Initially, each team has chosen the object of activity of the enterprise that they were about to set up, through a critical and creative analysis of the local, national and even international market, after that designating their manager. It was passed to the elaboration of the documents necessary for the registration of the enterprises on the ROCT platforms [13]. What represents this database? ROCT simulates the services that have been necessary for the exercise companies to be able to simulate their activities as accurately as possible as being one from a real company: it simulates the Trade Register Office – the registration of the companies and it issues, at request, a certificate of bank registration – it insures the online deduction of the ROCT bank transfers; therefore it fulfills the role of a bank (circulation of payments) and other bodies of the public authorities (Finances, Social Insurances, Trade Register, Territorial Labor Inspectorate, Arbitrage, etc.).

The representatives of the Legal Department have undertaken this task, filling in and loading on the ROCT platform the following documents: the application for registration and operating permit; the articles of incorporation of the simulated enterprise; own declarations; the declaration concerning the operating permit; proof of company business – lease contract; application for the issue of the tax crime record; application for opening an account; the file with the certifications of the signature; the paying-in slip for corporate funds; authorization for deposit of corporate funds; sign-up form in the ROCT database. As the result of this step, 30 simulated enterprises have been founded, with various, very interesting fields of activity – from alternative education, psychological offices, simulated court of law, to recycling, production and promotion of bio products, medical tourism, etc.

ROMANIA INVATAMANT PREUNIVERSITAR/UNIVERSITAR	Ordin M.Ed.C. Nr. 5109/25.08.2008 ROCT - Centrale Register Firmelor de Exercițiu/Inscripționator Simulate din România
<b>CERTIFICAT DE ÎNREGISTRARE</b>	
Firma de exercițiu: IS Centrul de formare profesională "Proactiv" SRL	
Sediul social: Târgu Mureș, Strada Bodoni Sándor nr. 3-5, jud. Mureș, Cod postal: 540545 Universitatea "Dimitrie Cantemir"	
Activitatea principală: Alte forme de învățământ n.c.a., Cod CAEN 8559	
Cod Unic de înregistrare: 1210020010	Din data de: 05/05/2021
Atribut fiscal R din data de: 05/06/2021	Inspector de specialitate, Eugen Vereștic
Nr. de ordine registrul ROCT: J26/124/05.05.2021	
Data emiterii certificatului: 25.01.2022	
Seria: A-FE Nr.: 21020010	

Formular eliberat de ROCT, 25 Ianuarie 2022 UZ DIDACTIC

Fig. 1. Certificate of registration

The, it was worked, in parallel, at the procedure of recruitment and selection for each company separately and at the marketing procedure, meaning the elaboration of the enterprise’s documents of visual identity. Therefore, the people responsible at the Department of Human Resources have elaborated the enterprise’s organizational chart, they have constructed job descriptions, have published recruiting and personnel selection for each job available in the enterprise. The members of the team have answered to the recruiting and personnel selection ads, submitting CV’s and letters of intent in order to occupy certain positions within the company, then following the analysis of the CV’s and carrying out selection interviews (responsible – Manager of Human Resources). The lawyer employed by each enterprise has elaborated the labor contracts for each employee separately, then analyzing and signing them.

As we have mentioned above, in parallel, within the Department of Marketing it has been worked on the elaboration of the documents of visual identity for each enterprise separately – logo, email, website, business card for each employee, catalogue of products and services, flyers, leaflets, brochures, etc. Each document of the enterprise had engraved its logo and the contact information, address, email, website.

Each enterprise had begun its activity, in the sense that there have been fairs in which they have presented their products and services, then selling them. Therefore, the people responsible in the financial and accounting departments have also assumed their roles, closing contracts, elaborating invoices, bank statements, inventory sheets, receptions, accounting journals, payrolls, payslips.



Fig. 2. Models of accounting documents

The transactions took place online, on the ROCT platform, or physically, within the fairs organized at the University.



Fig. 3. Images from the Fairs of Simulated Enterprises

## Results and Conclusions

Besides all the products enumerated above, generated by the founding and functioning of the 30 simulated enterprises, the most valuable result consisted of the practical deepening of the skills acquired by the students during their professional training. Involving in the activity of simulated enterprise, they have had the chance to now in more detail the departments, the management's functions and the functions of an enterprise, developing their specific skills according to the subject matters related to the specialization which they are pursuing. They have developed a complex thinking, becoming capable to perceive the organization as an association of its component parts, but also as a whole. They have highlighted their interior resources, they have discovered the great potential that they have, how creative and capable they are in solving problems and making decisions; they have learned to work as a team, to become responsible and tolerant, they have discovered more about the diversity of human nature. They have developed their critical thinking, their initiative, perseverance and flexibility. They have become better with themselves and with the ones around them. Therefore, we consider this method, one of the most valuable ones in the complex and multidisciplinary development of the human being and thus, in the training of the young person for his/her integration on the labor market.

## REFERENCES

- [1] Dale Jones D., Barrett C.E. (2017). *Simulation As a Classroom Teaching Method*, I-manager's Journal on School Educational Technology, Vol. 12|No. 41, March - May 2017.
- [2] Moise, C. (1996). *Fundamental Educational Concepts*, Iași: Akarom Publishing House, p. 181.
- [3] Cerghit I (1980). *Methods of Teaching*, Bucharest: E.D.P., p. 217-223.
- [4] Caniglia, J. (2019). *Simulations as a Teaching Strategy*. Kent State University Center for Teaching and Learning. Retrieved from <https://www.kent.edu/ctl/simulation-teaching-strategy>.
- [5] Ionescu M., Radu I. (1995). *Modern Teaching*, Bucharest: Dacia Publishing House, p. 178.
- [6] Wulandari D., Narmaditya B.S. (2016). *Using Simulation Methods to Improve Student Learning*, In Proceedings of the 2nd International Conference on Education, Vol. 1, 2016, pp. 1-6.
- [7] Kreber C. (2001). *Learning experientially through case studies? A conceptual analysis*. Teaching in Higher Education, 6, pp. 217- 228.
- [8] Rocha C. (2000). *Evaluating experiential teaching methods in a policy practice course: The case for service learning to increase political participation*. Journal of Social Work Education, 36, pp. 53-63.
- [9] Filip D. (2019). *The Simulation of the Enterprise's Activity*. Cluj Napoca: U.T. PRESS Publishing House
- [10] INS (2021). *Field: Occupation and Unemployment*, [https://insse.ro/cms/sites/default/files/com\\_presa/com\\_pdf/somaj\\_tr3r\\_21.pdf](https://insse.ro/cms/sites/default/files/com_presa/com_pdf/somaj_tr3r_21.pdf).
- [11] ILOSTAT (2018). *Labour market access - a persistent challenge for youth around the world*, [https://ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_676196.pdf](https://ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_676196.pdf).
- [12] OCDE (2019). *Talent Abroad: A Review of Romanian Emigrants*, [Home | OECD iLibrary \(oecd-ilibrary.org\)](https://www.oecd-ilibrary.org/).
- [13] <http://www.roct.ro/intreprinderi-simulate/metodologi/>

## **The Transferability of the Project “Future Work – How to Equip Trainers with Competences to Provide Learners with Skills for Agile and Digital Work”**

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### **Abstract**

The overall aim of the project “Future Work – how to equip trainers with competences to provide learners with skills for agile and digital work” (Future Word), (No project-2019-1-RO01-KA202-063343) is to equip trainers with agile and digital work skills that they could implement in their work with young adults. Because many teachers in formal education have obtained a qualification through initial training and have not worked in environments other than those in which they worked/work, and because theoretical knowledge has become outdated because work activities are outdated, we consider continuing education it is a necessity, in the future, IT skills and agility will be needed in many jobs. The consortium of FW project developed a handbook with proposed topics for developing the skills needed for agile and digital work, as well as a series of tools, used to develop these skills - IO1. In addition, an app was also created as an assessment, intended to be used by young people - IO2. The app provides some background information behind acquiring these skills and tests the user's understanding through quizzes and exercises. Specifically, it consisted in the development of a manual addressed to teachers/trainers with a theoretical basis for each agile and digital work skill for which we had to collect the learning needs of the target groups (both teachers and young people). We used SELFIE questionnaires, tools validated by the CE, for this purpose. The data that was collected was analyzed (SELFIE questionnaires) and learning needs were identified. Based on these teacher learning needs, the consortium developed the Agile and Digital Work Skills Handbook, supported by a toolkit containing useful tools for acquiring such skills (IO1). The content developed for the manual and toolkit was used to develop a mobile application (IO2) to be used by young people.

*Keywords: Future Word, Skills, innovative, VET Sector, mobile app.*

### **Methodology of Future Word Project**

The Applicant-Coordinator was Dimitrie Cantemir University of Targu Mures, Tg.Mures, Romania and partners: Best Institut Fur Berufsbezogene Weiterbildung Und Personal Training GmbH, Austria; Danmar Computers Sp Zoo, Poland; Dekaplus Business Services Ltd, Cyprus;

Camera Di Commercio I.A.A. Di Terni, Italia and Sociedade Portuguesa De Inovacao – Consultadoria Empresarial E Fomento Da Inovacao S.A., Portugal.

In the first stage of the project, the activity O1A1 was carried out: Preparation and organization of the Survey regarding the lack of digital skills, where we applied online SELFIE questionnaires both for teachers and for pupils/students in the field of VET Annex 1 Higher secondary professional level - for teaching staff Annex 2. Question for level of education - Upper secondary professional teacher - English version to develop a manual to equip teachers with the basic theory for agile and digital work, we identified the learning needs of the target groups both teachers and young people, using SELFIE questionnaires for leaders, teachers/trainers and students/trainees. The data were analyzed to identify learning needs. Based on these identified learning needs, the consortium organized a brainstorm establishing the development directions that were the basis for the development of the manual for the development of the identified missing agile and digital work skills. The ToolKit (a set of tools) for acquiring the necessary skills identified was also thought. (IO1).

The content developed for the manual and toolkit was used to create a mobile application (IO2) aimed at young people. It was intended to function as an evaluation tool for teachers. Each partner and associated partners have created a SELFIE account: <https://schools-go-digital.jrc.ec.europa.eu/coordinator/custom/preview?e=4&r=2>.

On behalf of the UDC, leaders, teachers and students from the VET field, as well as associated partners, teachers and students from secondary education - future beneficiaries of training, with an emphasis on ICT education (digital skills), Electromures Tg High School, participated in the questionnaire. Mureş and Traian Agricultural College Savulescu Tg. Mureş, G. Ungheni, other VET schools. We have included among the associated partners a special school, the School Center for Inclusive Education No. 1 Tg. Mureş, where there are students with special educational requirements, taking into account that most students with disabilities are directed to various jobs in the VET field and are often educated through various devices, and the use of technology helps them integrate into real life. Both, women and men, were included in the surveys. No social category was disadvantaged, regardless of ethnicity, average gender of origin (urban/rural) or disability.

The questionnaires were completed by the partners of the partner association and were synthesized in a Report with the teachers' answers to the Vocational High School Level Questionnaire for Teacher I (P1 DCU = 12, P2 BEST=8, P3 DANMAR=15, P4 DEKAPLUS= 25, P5 CCIA=6, P6 SPI= 21, a total of 87 VET teachers/trainers. These answers formed the basis of the training needs for the IO1 manual. The second part of the questionnaires formed the basis of the training needs for IO2 - the mobile application addressed to students. The report with the responses of leaders, teachers and students to the SELFIE questionnaire - combined data from Romania and Italy. 12 leaders from Romania and 14 leaders from IT responded; 145 teachers from RO and 111 Italian teachers; 472 pupils/students from Romania and 1061 of students/IT students, a total of 26 training leaders, 256 ICT VET teachers and subjects and 1061 students.

## **Future Work Key Competencies**

**Key competencies** analyzed, divided by area SELFIE were: Management; Infrastructure and equipment; Continuous professional development; Teaching and learning; Assessment practices and students' digital competence. Other areas: Technology adoption, Factors inhibiting technology use, Technology self-confidence, Percentage of time spent online, Technology use, etc. Each key competency area contains specific competencies. The training needs of trainers/teachers were analyzed (O1/A2: Analysis of derivation needs for trainers - Based on the findings of O1/A1.) and the consortium identified the missing skills needed to

equip trainers with agile and digital working skills , which they can implement in their work with young adults. We also considered the responses of secondary school students who are now future young adult students. Activity 01/A3: The development of a manual and a set of tools for trainers “The future agile and digital workforce” resulted based on the needs identified in stage O1/A2.

Training materials are innovative because they meet the needs of the target generation, self-efficacy and agility are aimed at - the ability to respond to challenges that arise in the work environment and to lead beneficial changes. The outcome intellectual IO1 is the FUTURE WORK manual and toolkit for trainers (01/ A3). Activity 01/A4: Feedback of the target group. The teacher/trainer training activity took place in Terni, Italy. 12 educators/trainers employed by VET and higher education professionals participated. The lessons were tested and then these IO1 tools the manual and the tool kit were tested in class or within the courses. A last activity addressed to teaching staff was 01/A5: Adaptation and a final check and completion of the intellectual product, including translations.

### **IO1 Specific Competences**

*C IO1 1. Training new skills related to agile work, Providing trainers and VET students with new organizational skills, Openness to the new, Collaborative work, involvement in work tasks. (Chapter 1. AGILE AND EDUSCRUM FRAMEWORK)*

*C IO1 2. Knowledge and use of virtual learning environments (VLE), Preparation and organization of a virtual learning session (Chapter 2. USE OF VIRTUAL LEARNING ENVIRONMENTS)*

*C IO1 3. Knowledge of specific terminology in the creation of digital resources. The way in which technology influences consumer behavior; Creating digital resources and presenting them in class or in WBL (Chapter 3. CREATION OF DIGITAL RESOURCES)*

*C IO1 4. Knowledge of appropriate behavior in online discussions; Awareness of patterns and norms of behavior when using digital technologies; Adaptation of communication strategies; Appropriate formal or informal online communication; Giving and receiving critical feedback; Methods of online feedback; Team works online (Chapter 4. ASSESSMENT AND FEEDBACK/ ONLINE RESPONSE)*

*C IO1 5. Knowledge of cyber security practices used to protect data against misuse; Encryption, physical and digital access restrictions; Data security for work environments; Keeping data safe to avoid misinformation, forgeries; How to avoid cyberbullying; Equipping trainers with data security knowledge. (Chapter 5. KEEPING DATA SAFE)*

*C IO1 6. Development of cognitive skills regarding the importance of collaborative work; Involvement in transversal projects; Ways to prevent cyber mobbing; Types of tools used to collaborate with students (Chapter 6. COLLABORATION WITH STUDENTS)*

### **IO2 Specific Competences**

*C IO2 1. Carrying out marketing activities in the VET sector; Using agile working tools for students (Module 1. EduScrum: Agile Tools for Project Management)*

*C IO2 2. Development of creative thinking; Self-efficacy (Module 2. Creative thinking)*

*C IO2 3. Time management; Active listening and communication (Module 3. New teamwork skills.)*

*C IO2 4. Planning a presentation for face-to-face delivery; The organization of a webinar (Module 4. New forms of presentations and skills needed in future work environments / situations - How to plan a presentation for face-to-face delivery or webinar proposes making presentations.)*

*C IO2 5. Development of presentation skills for future work; How to make a good presentation* (Module 5. New forms of presentations and skills needed in future work environments/situations – How to create a presentation)

*C IO2 6. Implementing reflection as a routine; Self-reflection for improving performance at work* (Module 6. Reflection skills – a way to improve performance at work)

### **Piloting Feedback**

From the feedback of the participants and following the piloting of the project, we consider that the objective of the project has been achieved from a qualitative point of view, each partner contributed to the manual and toolkit, with joint responsibility for its chapters/exercises, and the focus was on developing less developed skills but of interest for future education, the complements being listed above.

The main objective includes the successful adoption of the “FUTURE WORK Handbook and Toolbox for Trainers” and the “FUTURE WORK App” among the broad educational activities of the partners.

Operating KPIs were formulated as measurable, quantitative targets.

From a quantitative point of view we reached our goal: over 10,000 employees and trainees were trained throughout the life of the project directly or indirectly by all the consortium partners, 12 trainers trained in the C1 activity during the meeting in Terni (2 for each partner country), 120 beneficiaries trained by group trainers target (each 20 beneficiaries/partner); number of feedback questionnaires from APP users 65; number of feedbacks collected from trainers at multiplier events: 168; the number of multiplication events 6; Number of trade fairs/conferences completed 2; No. of interactions with relevant stakeholders public events 1081; Representative reached target group/direct beneficiaries/indirect beneficiaries- more than 10000; Number of EU countries where the project was promoted: 20; users of the FW application over 100.

### **VET Priority 2.1. “Continuing the Strengthening of Key Competences in Initial and Continuing VET”**

“Vocational education and training” - aimed at equipping young people and adults with the knowledge, skills and competences needed in certain occupations or, more broadly, in the labor market. These can be provided in formal and informal contexts at all levels of the European Qualifications Framework (EQF), including at tertiary level where appropriate. For the purpose of the Erasmus+ programme, projects focused on initial or continuing vocational education and training are eligible under VET actions. [1]

Concretely, within the FW project, the partners carried out training activities both in a formal and informal context in all stages of the project, the activity being addressed to initial and continuous training. The piloting was done both in some universities within the courses and in some initial or continuing training courses by the project partners. At the UDC, the initial training took place within some training courses, the materials being used by the DPPD students in the pedagogical practice classes in the schools, but also by the teaching staff enrolled in the master's degree in the continuous training courses within the UDC (e.g. the professional conversion course to the geography of tourism, to sustainable development in tourism). The European partners in the project act in the framework of adult training, permanently organizing both initial training sessions and continuing training sessions. BEST is an official CERTNÖ training center certified by the Danube University Krems and approved by the Government of Lower Austria and is a certified provider of ecdl European Computer Driving Licence, EBCL European Business Competence License and ECo-C European Communication Certificate and



offers courses and exams and the materials produced were tested and implemented within the courses. Danmar Computer promotes education throughout life and ensures equal access to education for everyone through the use of modern technology, initial and continuing courses being designed on mobile, in the online environment. CCIAA Umbria offers innovative courses to support local businesses in specific themes, to combat unemployment especially among young generations, including NEET, materials created during the project were used in piloting and dissemination.

## **VET Priority 2.2. “Supporting the Adoption of Innovative Approaches and Digital Technologies for Teaching and Learning”**

Both for trainers and for today's youth, the use of technology is impetuously necessary, that's why the modules made in the two intellectual products come with technical solutions. Where the manual and toolkit are aimed at teachers and trainers, the FW mobile app is primarily aimed at students / trainers, but also at teachers / trainers. The project partners use innovative practices in training/education (active-participatory didactic methods, intelligent didactic tools, digital platforms, digital didactic materials. In the manual, such tools are described and promoted in the form of modules for everyone's understanding, addressing trainers from the VET field, the examples being from different fields of activity.

During the project, DCU used the materials from the Erasmus+ didactic mobility in higher education in the project management course and in the entrepreneurship courses (eg in Turkey at Cag University or in the online courses held with Italian students enrolled in the teacher training courses in the Didactics specialization or the project management course, exemplifying active participatory methods) or in some Workshops addressed to students with specialists in VET fields.

The innovation lies in ways to improve the quality and inclusion of digital systems in initial and ongoing training courses. At the moment, there are digital manuals and other digital training courses at the high school level [2] but only at the gymnasium level, but there are no mobile applications for students in the VET sector to introduce the trainees to work techniques collaborative or online protection methods. On the occasion of some F2F interviews with teachers/students from Romania and Italy, we identified the need for projects to solve bullying and cyberbullying, which has reached alarming levels at the European level, being a consequence of isolation, due to online schooling. Certainly, the project can be useful because the global evolution, the energy crisis, the war between Russia and Ukraine, which appeared in the meantime, will lead to major changes in many sectors of activity.

The first intellectual result IO1 is aimed at trainers/trainers teaching, and the second IO2 aims at learning. The adoption of the teacher's teaching methods to the student's learning methods is not only a wish, it also requires innovation. The trainer adapts his teaching style to the learning needs of the student. Teaching styles can be improved through continuous professional training with a focus on digital, because the way students learn is different from the way of learning a few years ago, where face-to-face teaching was predominant and not teaching in a blended learning system. learning or online. The manual is a classic tool used by teachers that can be translated into the online environment (it can also be found on the project web page, but it can also be implemented in a mobile application)

Mobile applications are part of our lives and of young people in particular.

## **The Innovative Character / Innovation of the Results O1 and O2, Developed Through the Project.**

The results of the project are innovative for all participating organizations. Although all offer VET training, none of the partners had previously developed teaching resources such as those in the project. Thanks to the inclusion of the Manual and Toolbox and APP in the educational offer of the partners, their training has become more innovative, more efficient and more interesting for the learners.

Since the beginning of the project, a library of resources consulted by partners was created. Some materials are in English and others in partner languages [5], [6], [7], [8], [9], [10]. Other documents analyzed were the Professional Education and Training Monitor 2019. Country analysis etc. After applying and analyzing the SELFIE questionnaires, the project consortium met online and using brainstorming sessions, they established the component and structure of IO1 and IO2 according to the identified needs, based on the results of the questionnaires, but also through debates, interviews, workshops with trainees from VET field. Each chapter of the manual has a bibliography and reflection topics inserted at the end, which stimulate creative thinking and implicitly leave innovative options by not imposing ways of solving.

### **The Innovative Character of the FW Manual. IO1**

Since agile work was proposed from the design phase of the project, the innovative SCRUM method was researched, most of the materials were in Italian, and the Italian partner concluded a collaboration with the specialists who developed this method and conducted a series of introductory courses and deepening the method. The results are innovative for the VET sector, as the SCRUM method has not been implemented in this type of projects. Even at the training activity carried out in Terni, teachers and trainers had a SCRUM training session in which creativity stimulation methods were used. Chapter 1 by CCIAA UMBRIA Italy (Giulia Briotti) AND THE EDUSCRUM TEAM (Willy Wijnands & Kristina Fritsch) is called “Agile Framework and EDUSCRUM”. Chapter 2 As communication in different virtual environments was identified as deficient both in analysis and focus group discussions, Chapter 4. Online Prevalence and Reaction was created. Numerous resources and materials were consulted, after which the teachers reflected on the advantages/disadvantages of communication in various virtual environments and contexts, etc. A separate chapter, Chapter 5 was dedicated to developing skills in data retention in security/security, a chapter or aspect that has not been fully exploited in any training module, and future workers need to know the vulnerabilities of the online environment in any sector of VET activity. Chapter 6 is about collaborative work, as digital education takes place online in teams, and knowing some tools that involve the teacher and the student in “content creation” is an innovative technique. If recently there has been a lot of talk about bullying, digital education has revealed a new dimension of this phenomenon, cyberbullying. Placing teamwork and cyberbullying in the same context is a different and innovative approach

### **The Innovative Character of IO1 ToolKit FW**

The Future Work Toolkit is a practical extension of the manual, which has the same chapter structure. The FW toolkit helps the trainer/trainer to develop a summary, design a short introduction, solve practice and reflection exercises on the specific topic and situation, and implement the self-reflection recommendations for FUTURE WORK competencies and suggest further reading. The 6 modules are not found in other applications, being developed by professionals: 1. EduScrum: Agile Tools to Manage Projects.

## The Innovative Character of the FW IO2 Mobile Application

Based on the report and the conclusions of the analysis of the SELFIE results, six topics of interest for furniture applications (IO2) were identified. Each partner was assigned a theme, for which they had to develop content and exercises that would help beneficiaries acquire the future work skills that were missing from their theme. The Future Work app is innovative because it provides a unique learning environment for people to be more prepared for future professionals by developing a set of skills that to date are not necessarily the basis for vocational education.

The selection of six modules (EduScrum: Agile Tools to Manage Projects, Creative Thinking, New Team Working Skills, How to Create a Presentation, Delivering presentations, and Reflection skills) supports the acquisition of the most necessary set of knowledge, skills and abilities that will be needed future. It is worth noting that these skills demonstrate a strong transversal character and can therefore be applied to different professions that may not even exist on the labor market today.

Innovation can also be seen in the delivery of training content. Each of the six modules is further divided into three sections: practice, case box and test. In the practical section, users of the application can familiarize themselves with the most important concepts of the module, serving as a basis for further knowledge acquisition. The next section, the case box, provides a set of practical experience using different tasks and activities, also suitable for working in groups. The case box can perform a quick comprehension check by asking users simple questions as they progress through this part of the application. Each question also contains an explanation to reinforce the learning process by providing meaningful feedback to the user.

The innovative nature of the app can also be seen in the way the training content is served. As the pace of life has increased and attention spans have decreased, the partnership has planned the app to be even more concise and to the point. This results in the composition of the training content being in the form of micro-learning pills that users can independently familiarize themselves with according to their own needs. Such an approach, especially for mobile applications, works better than serving long training courses that last for hours.

The application was launched in all partner languages (English, German, Greek, Italian, Polish, Portuguese and Romanian) and is available through the official distribution channels for both the App Store [11] as well as for Google Play [12].

The innovation in this sense is not the content itself, but the way it is presented/delivered to the target groups and the fact that they are complementary. Students have access to information on their mobile phones (and it is a fact that nowadays students live through their smartphones) and teachers get ways to prepare classes / teach.

Following the analysis of the questionnaires applied at the beginning of the project, the reports containing 2 types of data were developed. 1. Data from partners with data only by teachers, used to establish the theme IO1 focused on teachers. 2. Data from associated partners. (data from RO and IT), with data collected from associated partners: leaders, teachers and students. IO2 focuses on learners (students). Trainers are the target group of outcome IO1 and (young) learners are the target group in IO2. The subjects are not the same for IO1 and IO2. Only for the manual and the toolbox are the same topics, the manual is useful to provide knowledge, based on theoretical aspects; the toolkit provides exercises and some example worksheets that teachers can use in specific sectors/qualifications with their students. The selection of sectors/qualifications was made by each partner separately according to the current needs on the labor market referring to statistics, references providing an explanation of the reason why they were selected. Future Work may affect some sectors and jobs/skills more now than others. In this sense, in the part dedicated to the TOOLKIT, the project refers to real situations/examples in the work sectors, specific to the partner countries. To understand skills needs and gaps, the project partnership went through a period of preparation, contacting experts

and analyzing tools such as the SELFIE survey. The results are highlighted in the Needs Analysis Report. Along with the project description, it formed the basis for the selection of chapters explored in the manual and toolkit. The textbook is linked to the Toolkit, where you can find exercises with content related to the textbook. After consulting the list of fields and qualifications, the consortium chose to develop a chapter for each partner, with an emphasis on a specific VET field, but with a high degree of transdisciplinarity.

## **O1 Future Work Manual and Future Work Toolbox.**

Each chapter has an introduction, specific terminology, practical activities, examples and recommended further reading.

*Chapter 1. AGILE AND EDUSCRUM FRAMEWORK* developed by CCIAA and the founder of EduScrum is aimed at all VET specialists. After the theoretical part and the examples, the recommended reading in the toolkit allows the trainer to acquire new skills related to agile work in any kind of training situation (this also allows the transferability of the results), because agile project management tools are a very weak area, as mentioned in SELFIE reports. However, it can provide trainers (students, VET) with new organizational skills, to be more organized, more open-minded, more collaborative, more involved in their tasks. The Chamber of Umbria focused on trade as a sector of professional life (CCIAA has experience in VET training in the field of trade), but the tools explained can be applied to any sector as they are properly explained. Educational examples consist in specific exercises for a commercial office: Team building, Business planning meetings, How to conduct a stand-up, Review activities, Retrospective. These activities can be implemented in any VET activity.

*Chapter 2. USE OF VIRTUAL LEARNING ENVIRONMENTS* by SPI, covers the types of virtual learning environments (VLE), shows how to prepare / organize a virtual learning session, examples in finance, banking and insurance activities “Launching a new financial product”, “Improving sales performance” or “Training a new remote employee” - economic field and recommended further reading. The theme of the reflection is from the banking financial field. The toolkit associated with this chapter presents financial, banking and insurance activities. The first exercise - launching a new financial product, the second and third are about working for an insurance company.

*Chapter 3. CREATION OF DIGITAL RESOURCES* by Christos Nicolaidis, Dekapulus Business Services Ltd, Cyprus deals with specific terminology in creating digital resources. Realizing that COVID-19 has hit the hospitality industry hard, some hotels have found a way to communicate the necessary safety measures to customers. Some hotels have placed some relevant pop-ups on their websites, others have provided instructions and updated them along the way. But others filmed a presentation in which they visually explained what needed to be done. Even in the difficult times of the pandemic, a good presentation can help your company stand out. Unconsciously, potential or current customers remember how market players approach each challenge and this influences their consumption behavior. In the third chapter of FW Toolkit, suggestions for teachers are related to the creation of digital resources and presentation in the classroom or in WBL. The exercises: “preparing a presentation”, “Opening a presentation” are in the field of tourism, but any VET field can be used.

*Chapter 4. EVALUATION AND FEEDBACK/ ONLINE RESPONSE* conducted by BEST, Austria focuses on knowing appropriate behavior in online discussions (awareness of patterns and norms of behavior when using digital technologies and interacting in digital environments, adapting communication strategies and determining whether formal or informal communication is appropriate for customers / guests / critical online customers), especially in the form of critical customer / guest / customer feedback and (continuous and timely) online feedback in the hospitality sector. Example: difficult customers/guests/buyers. The associated toolbox provides

implementation suggestions for educators in the classroom and in WBL. The exercises “How to receive and give feedback”, “How to give feedback successfully”, “Preparing for an online video conference”.

*Chapter 5. KEEPING DATA SECURE* by Danmar Computers, Poland, warns about cybersecurity practices used to protect data from misuse, such as encryption, access restrictions (both physical and digital), and more. Data security has always been important, and this is especially true for work environments. Misinformation, fake news, and even cyberbullying can't be fought without the knowledge of data security. In addition, with many people working remotely (and the use of the cloud has grown greatly to match), there are more opportunities than ever for unauthorized access to data which can then be used in any number of dangerous ways. Equipping trainers with data security knowledge, keeping data safe in the workplace should be the highest priority for VET providers. The examples provided are intended for the VET field, related to information, communication and security. The associated Fw Toolbox suggests that educators should adopt the concept of situation sheets to understand the potential situations an operator may face in everyday tasks. The exercises are "Backing up a website", "Building a website", "Assessing IT infrastructure", "Improving the security of a wireless network", "Improving security awareness", these exercises can be applied in any field Vet. communication and security. The associated Fw Toolbox suggests that educators should adopt the concept of situation sheets to understand the potential situations an operator may face in everyday tasks. The exercises are "Backing up a website", "Building a website", "Assessing IT infrastructure", "Improving the security of a wireless network", "Improving security awareness", these exercises can be applied in any field Vet. communication and security. The associated Fw Toolbox suggests that educators should adopt the concept of situation sheets to understand the potential situations an operator may face in everyday tasks. The exercises are "Backing up a website", "Building a website", "Assessing IT infrastructure", "Improving the security of a wireless network", "Improving security awareness", these exercises can be applied in any field Vet.

Teachers and students will use new digital tools / platforms to access information, to learn / teach, so it is highly recommended that they be aware of the basic concepts of cyber security and know good internet usage practices to prevent the fact that they are scammed, or lose information.

*Chapter 6. COLLABORATION WITH STUDENTS*, made by Dimitrie Cantemir Tg.Mures University, RO develops cognitive skills regarding the importance of collaborative work, involvement in transversal projects and ways to prevent cyber mobbing. The types of tools used to collaborate with students can be used in any VET field. Examples in education and training, Research Design Word come to clarify specific terminology and practical examples or solutions. The associated FW toolkit emphasizes that teachers use digital technologies to facilitate collaboration with students, to engage them in activities that require group / team work through collaborative tools such as interactive whiteboards, wikis, blogs, discussion forums or video conferencing. Drawp for School, Voice Thread tools are described (which can also be used by people with hearing impairments) and Tricider, their strengths and weaknesses are analyzed. Suggestions for implementation in the classroom and on the web are presented. Specific to the VET field is training as an evaluator of professional skills, the applications being focused on cyberbullying. Exercises present situations and activities for young adults, Vocational counselling, Career choice, Cyberbullying.

## IO2 FW Mobile Application

It is addressed to young learners/students who will learn faster from a smart device than in the classic version. The modules were designed by the consortia part. The innovation lies in the fact that there are no similar mobile applications in VET education

- *Module 1. EduScrum: Agile tools for project management.* The case box includes an example of marketing activity in the VET sector, followed by a quiz. app on the subject of agile in education provides a handy tool to use a simple and selected part to easily introduce agile tools to students (VET or not)

- *Mode 2. Creative thinking.* It can be applied to any VET subject, the skills developed are creativity,

- *Module 3. New teamwork skills.* 7 skills are presented and the Eisenhower Matrix is used as an exercise. The exercise of listening and active communication can be used in any field, communication being one of the skills needed for future jobs.

- *Module 4. New forms of presentations and skills needed in future work environments / situations - How to plan a presentation for face-to-face delivery* or the webinar proposes making presentations. Example: exercise planning a presentation for face-to-face delivery or webinar for a group of 10 young people who attended a 16-hour seminar on entrepreneurship -VET domain

- *Module 5. New forms of presentations and skills needed in future work environments/situations-* How to create a presentation. It exemplifies how a good presentation should look.

- *Module 6. Skills of reflection* – a way to improve performance at work. Practice - How to implement reflection as a routine and applying the self-reflection exercise

## Piloting

Over 10,000 employees and trainees were trained throughout the life of the project directly/indirectly by all the consortium partners, 12 trainers were trained in the C1 activity during the meeting in Terni (2 for each partner country) becoming trainers in their turn by trainers. 120 beneficiaries were trained by trainers of the target group (20 beneficiaries/partner each). A number of feedback questionnaires were completed by 65 APP users. The number of feedbacks collected from trainers at the multiplier events was 168, i.e. the number of multiplier events was 6. The results of the project were presented in two conferences organized by UDC. No. of interactions with relevant stakeholder's public events were over 1000.

At the university level, UDC had two trained teaching staff, with the degree of university lecturers, specialists in the field of teacher training, including VET. The target group consisted of 15 students in Tourism Geography and 20 students/trainers from the Master's Degree in Education Quality Assurance/ the Department of Teaching Staff Training. The trainers of the partners and the teaching staff studying within the post-graduate program Professional development of teaching staff implemented the materials for the specialization Didactics discipline and the master's degree in Invatamintulu Quality Assurance, which was also attended by teaching staff from the VET sector, school inspectors, trainers, psychologists, representatives from the VET sector. In the following, Io1 and IO2 are used in the academic year 2022-2023 by the UDC, but also in adult training courses by the other partners. Through the materials made, future employees are prepared for different circumstances. Through these tools, teachers and trainers acquire the necessary skills to provide learners/trainees with useful digital skills in subjects other than ICT. These can be used both at the level of VET courses/disciplines, in line with the results of the European-approved self-reflection tool (SELFIE) to address the challenges and opportunities of education in the digital age. The scope

and content of the project provides a valuable approach to developing and implementing concepts to achieve better cyber hygiene in everyday life, as well as to raise awareness among educators and their learners. Regarding the IO2 application, the students considered the structure interesting, but they still need to work on the attractiveness part.

**SPI** organized pilot activities in collaboration with the Nova University of Lisbon, involving 10 professors from the Nova University of Lisbon. In addition, some teachers from secondary schools and trainers from VET institutions were also involved in the pilot activities to have a wider opinion. They read and reviewed the content developed for the Future Workbook and Toolbox. Pilot activities took place between March and April 2022 and a final workshop was organized to collect feedback and discuss potential improvements. This workshop was held at the Nova University facilities in Lisbon on April 29, 2022. In total, 8 teachers participated face-to-face. Overall, the feedback was positive. The teachers reported that most of the topics are interesting and useful as a support tool for school teaching. However, some of the topics were already considered outdated as the pandemic situation experienced in the last 2 years somehow accelerated the improvement of digital skills for both teachers/trainers and students/learners. Especially with regard to the module focused on virtual learning environments. On the other hand, topics such as Keeping data safe were found to be highly relevant and the content very useful as this is a topic that is still less covered. During the final face-to-face session teachers were asked to complete an evaluation questionnaire for later feedback collection. More than 50 students from the Nova University of Lisbon as well as from various high schools across the country were involved to test and evaluate the IO2 mobile application as well as the content and the developed box. Pilot activities took place between March and April 2022 and a final workshop was organized to collect feedback and discuss potential improvements. Learner feedback on the Future Work app has been very positive; they found the app quite easy to use and were very interested in the topics and content of the module, as well as the activities and general structure of the practices, case boxes and quizzes. Some learners mention that other subjects would also be relevant to this application, such as marketing and communication.

**CCIAA Umbria.** Piloting took place between January and March 2022, CCIAA met in person or online with teachers. The teachers then experienced the textbook and the exercises in the toolbox in the classroom. CCIAA Online caught up with students who tested the app to get a look back on the testing. Teachers who tested the manual and toolbox reported great interest in all 6 chapters. Interviews were conducted. They took time to read and felt it was long, but in the end they said it was useful and interesting, with lots of input on real issues in working life. Teachers reported that most subjects were interesting and useful to complement school teaching. They read and used the manual and toolbox during lessons as they wished, asking for clarification. As a general opinion of the teachers, all the chapters included in the Future Workbook and Toolbox were interesting, useful and clear, and the structure of the toolbox is useful for developing practical lessons: The structure of the toolbox was highly appreciated. More specifically: chapter 1: was considered very useful and innovative, to know an agile methodology with real exercises that can engage students. Teachers reported that they provide information about agile tips for school and work, but not so easy to understand in every part. The CCIAA team had to explain some parts, then it became clearer for the teachers. Chapter 2: gave nice advice on this topic. Chapter 3: The storyboard exercise was particularly interesting. Chapter 4: it was considered most useful because no one teaches you how to create a good presentation. Chapter 5: mentioned as extremely interesting with great advice on a topic that is hardly ever taught. Chapter 6: was mentioned as an interesting resource with tools for student collaboration. All teachers contacted to sign up for the test were certainly interested in the subjects, even if they could not participate in the pilot for various reasons at the time.

*Students* who tested the IO2 app reported: It was light and easy to use and follow the exercises. Sometimes too many words, too many concepts in one module and they scrolled down the test. Tested parts of Chapter 1 and Chapter 2 and experienced in classroom team building, retrospective creative thinking exercises. Very useful tools when they really got down to doing the exercises, it allowed them to think in a 'new way'. Then they went through the 3 chapters and active listening was mentioned as completely complementary to the other topics. Chapters 4 and 5 were very interesting for the students as they said that they often have to give presentations but never learn how to do it properly. Some students mentioned Chapter 6 as the most interesting, because reflective skills are almost never addressed in the “bookish” Italian teaching method. The quiz was very much appreciated by all students, it allowed them to be engaged and critically rethink the topics they had 'studied' before.

**BEST.** The IO1 pilot activities started in October 2021 and lasted until March 2022, when participants completed online questionnaires and the IO1 pilot report was developed. 7 participants were invited to take part in the IO1 pilot activities, all trainers and coaches working on courses aimed at unemployed and poorly qualified young adults, with long-term experience and expertise in the field of adult education. 6 of these participants also completed the online questionnaires. A workshop was organized in which the project and its objectives were presented, IO1 was presented. All the trainers showed great interest and agreed to use the results as train-the-trainer activities and implement them in their training courses. They completed the pre-test questionnaires between February and April 2022 and implemented them in their training courses. Trainers' overall satisfaction with the products was very high. They particularly appreciated the innovative content of the chapters and the new methods and tools for a better adaptation to digital working environments, themselves as well as their learners. None of the participants had really had EduScrum or agile experience working before and found the topic very interesting from the point of view of innovation and the usefulness of this approach in addressing the challenges of providing meaningful resources and collaboration in a digital learning environment. Pilot participants agreed that the purpose of the manual and toolkit are clearly presented, and emphasized the well-organized structure and content of these deliverables. They were very satisfied with the usability of the content. The most interesting skills to acquire for them were “using the virtual learning environment”, “online assessment and feedback” and “collaboration with students” from their point of view. Training experts reported that the implementation of IO1 content in their training activities was very successful and could benefit from it. During the testing period with learners, the pilot participants found the modules concise and clear for their learners to understand. They emphasized that the structured toolbox of implementation suggestions and trainee exercises (including handouts) were very applicable and added value to their training sessions. The pilot activities of the IO2 Future Work app started in mid-January 2022 and lasted until mid-March 2022 when the involved learners had completed the in-app questionnaire and the IO2 report The app pilot was developed. Before giving the app to the learners, the trainers involved in piloting the IO1 went through the app to familiarize themselves with its features. Afterwards, 20 trainees (age group 21-25) tried the app during training activities and provided feedback to their trainers. For organizational reasons, the application was installed on 3 tablets and learners from different training groups worked with them in turn and to complete questionnaires after completion. The overall evaluation of the Future Work application was very positive; learners appreciated the module topics and content. Also 20 trainees (age group 21-25) tried the app during training activities and provided feedback to their trainers. For organizational reasons, the application was installed on 3 tablets and learners from different training groups worked with them in turn and to complete questionnaires after completion. The overall evaluation of the Future Work application was very positive; learners appreciated the module topics and content. Also 20



trainees (age group 21-25) tried the app during training activities and provided feedback to their trainers. For organizational reasons, the application was installed on 3 tablets and learners from different training groups worked with them in turn and to complete questionnaires after completion. The overall evaluation of the Future Work application was very positive; learners appreciated the module topics and content. Also, they were very satisfied with the activities and how they are organized in terms of practices, case boxes and quizzes. Especially for students in this age group (young adults training to enter the labor market after 8th grade), digital learning resources are interesting and motivating. This was highlighted by trainers and trainees who were involved in the pilot. The trainers also reported that the trainees participating in the pilot were particularly interested in the topics of “keeping data safe”, “assessing and responding online”, as well as the “Agile and EduScrum” frameworks. From the point of view of trainers and learners, the app's learning contents are very useful in preparing learners for the digital future of the labor market, in terms of providing a better understanding of new technologies and their impact on a sustainable entry into jobs. For trainers, the benefit of Future Work content is that they can increase their digital skills to boost learners' skills for digital and agile working environments.

### **Participants' Feedback at the End of the Project**

To measure the impact of outreach activities on stakeholders, partners used model questions to gauge interest in exploiting project results. The questions were asked at the end of the 6 multiplier events, to a total of 155 participants.

The questions and answers are summarized:

*11. How can you use this material?* Answer: To learn to have the necessary skills and competencies to then prepare learners for a digital and agile workplace. The use of the material is a good contribution to the changing demands of labor markets.

*12. How can a manual support your work?* Answer: As valuable tools to increase the awareness and skills of training experts on the use of digital tools, but also as support for their target groups. Most of the trainers agreed that the results are of great support in their teaching work, they appreciated the variety of exercises that are ready to use. Some trainers have said that the Handbook does not go into depth, but the further reading recommendations allow for more research.

*13. Would you recommend to other trainers / students?* Answer: 100% of stakeholders said yes.

### **Prospects of Transferability of Deliverables to Other Organizations / Institutions or Users**

Delivered results have been and will be shared with all stakeholder communities, schools, VET providers and higher education institutions in all partner countries via the most common app stores and on the project website (from apps).

UDC made a draft that will materialize in a book with ISBN. The manual and the set of tools in Romanian and will implement it in the university courses in the VET disciplines and in those oriented towards digital education addressed to teaching staff who are perfecting themselves through master courses. The platform used for using the courses is Microsoft TEAMS, but there will also be face-to-face courses. The other partners will also use the materials created during the training courses. From the feedback obtained during the dissemination events, teachers, students and participants found the materials useful but like any deliverable, it can and must be improved and updated, therefore we propose to transfer the information and use it in new projects that we want to implement them, because Future Work is about the future,

BEST transfer FW results to interested parties: To W&P - training provider using them in the Quali4Jobs project through the suggested learning platform. The partner suggested that he will implement the Scrum methodology in Quali4Job for young people; The Austrian labor market service was interested in using the SCRUM approach and approved the IT screening project of the BBE. Attendees at the multiplier event rated the toolkit and app as valuable tools to raise awareness and convince training experts (and others) to use digital tools. They felt they were supporting their target groups, end beneficiaries and learners. Another part of the discussion addressed the impact of cybercrimes or cyberattacks not only on individuals but also on companies,

DANMAR - interested parties to use FW results: Rzeszów Regional Development Agency (RDDA) and Center for Education and Entrepreneurship (CWEP) - agreements have already been signed with the two institutions.

SPI. ME participants reported that most topics were very interesting and useful as a support tool for teaching/learning in school. However, some of the topics were already considered outdated, as the pandemic situation of the last 2 years somehow accelerated the improvement of digital skills for both teachers/trainers and students/trainees. Especially with regard to the module focused on virtual learning environments. On the other hand, topics like Maintaining Data Security were considered highly relevant and the content is very useful as this is a topic that is still less covered.

DEKAPLUS partners have expressed their interest in the project's products. Trainers/teachers in particular were delighted to see so many tools (including the app) available that promote agile and digital working. HR managers were very interested to see such materials available to meet the new needs and demands of the workplace.

CCIAA. Currently, 9 ME participants as well as trainers who tested the manual and toolkit have started using the IOs results in the classroom. 5 independent trainers use toolkit exercises in English, not Italian, to get new training methods (especially chapters on agile tools and cybersecurity) Transferability is ensured due to ease of use: trainers stated (like in piloting feedback and multiplication Event) that the instruments are easy to adapt in their classes, because it can be used to introduce innovative instruments, above all us sing the exercises given in the instrument set. They stated that it is useful to improve digital skills and if during the pandemic they were forced, due to the distance from the classroom. In this regard, 100% of them stated that their testing and trial boosted their knowledge of digital skills. In addition, during the first test activity, in the staff training activity, the 12 trainers were actively involved in the training, used IOs to simulate their courses and provided feedback on how to modify the materials, so so that they were more useful in VET training: the areas involved in the exercises, for example, allow users to gain knowledge about real working life activities in different sectors to acquire real working life skills. The contributors stated that it seems easy to use and that we are interested in using them, or at least selected pieces, to improve their digital skills during training. All stated that they would recommend the results of the project to their colleagues and would like to be informed about other digital tools for teachers. Several trainers from higher education institutions who attended the presentation stated that many students arrive at the University without the practical skills provided with simple examples.

Regarding the objectives of raising awareness, scaling up impact, engaging stakeholders and target groups, influencing EU and national policies, the consortium is satisfied that exploitation activities (e.g. piloting, engaging stakeholders, organized training of staff) allowed an increasingly strict use of the results. In day-to-day teaching, achieving the objective of exposing the results of the Future Work project, ensuring an impact after the end of the project. All results will be used by associated partners (if applicable), disseminating the IO on the project's website / social media.

## The Transferability of the Deliverables to Other Organizations / Institutions or Users

From the discussions with the partners and those who tested the produced results, we can say that:

- IO1 SELFIE surveys and analysis were less marketing oriented and more nationally oriented
- IO1 FUTURE WORK Trainer's manual “Future work - skills for agile and digital work” is more marketing-oriented, EU-oriented
- IO1 Future Work toolkit for beneficiaries, including implementation recommendations for future work skills - more market-oriented, EU-oriented
- The IO2 FUTURE WORK application is more marketing-oriented and EU-oriented
- The success of FUTURE WORK in achieving the objectives related to the operational objectives was evaluated with the help of indicators - key operational performance (KPI).
- The main objective includes the successful adoption of “Future Work Handbook and Toolbox for Trainers” and “FUTURE WORK App” among the extensive educational activities.

The partners want to exploit IO1 and IO2 further in order to accredit the training courses, according to the VET qualifications of the participating countries.

IO1 offers the ability to:

- Use of presentation programs and knowledge of presentation rules;
- Use of technical equipment such as smart tablet / phone and cloud communication / WLAN and other devices,
- use of online conferencing tools and know-how on how to organize a good presentation using online conferencing systems;
- knowledge of online response to customer criticism

Educators can learn how to confidently use the above. All the second step is to learn how to provide such skills with examples of tasks from real working life and exercises that can be easily adapted to individual use.

IO2 Provides young adult learners from VET providers and HEIs aged between 16 and 25 with an updated tool for acquiring new skills, the mobile application called the “FUTURE WORK app”. It is available on the app store in the following languages: English, German, Greek, Italian, Portuguese, Romanian and Polish. The learning content helps young adult learners become better at completing work independently, reflecting on their own work, setting milestones and similar skills needed in future jobs. It is offered as an online tool and can be used as an open educational resource by any interested party on registration without geographic scope.

Summarizing IO1 and IO2 contribute to education for the future, a goal that must be followed. The VET sector is going through an extensive digitization process. There are new ways of working, the mentality must be changed. The ability of future employees/entrepreneurs to adapt is essential.

## REFERENCES

- [1] BEST Institut für berufsbezogene Weiterbildung und Personaltraining GmbH
- [2] <https://erasmus-plus.ec.europa.eu/ro/programme-guide/part-d/glossary-vet>
- [3] [www.manuale.edu.ro](http://www.manuale.edu.ro)
- [4] Project website <https://alviaro.eu/fw/>
- [5] SELFIE\_Guide for school coordinators,
- [6] SELFIE\_2019-2020-session1-Questionnaire,
- [7] SELFIE for upper secondary professional teacher- Teacher,
- [8] SELFIE for students, Upper secondary professional level - Student,
- [9] SELFIE for school directors, upper secondary professional level - School directors,

[10] SELFIE: data protection and data use

[11] Future Work App Store <https://apps.apple.com/us/app/futurework-app/id1557357595>),

[12] Future Work Google Play <https://play.google.com/store/apps/details?id=eu.dcnet.futurework>

## **Current Status Review at DISTANCE EDUCATOR Project. The DigiEduAdult Curriculum for VET Providers.**

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### **Abstract**

For the purposes of the DISTANCE EDUCATOR project, an initial needs assessment took place in all the participating partners, to identify the gaps that currently exist among professional adult educators when it comes to online teaching and to develop training content that is relevant to these gaps and their specific needs. A group of relevant experts was formed for this purpose and a number of questions were addressed to them, in order to shed more light on this very current and interesting area in the training profession.

*Keywords: distance educator, focus groups, digital competences.*

### **Introduction to the DISTANCE EDUCATOR Project**

The aim of the Erasmus + project “Distance Educator: Training Educators of Adults in the digital age” (acronym DE) is to help professional people to become adult educators so that they acquire the right skills to teach adults online and at a distance. Knowing how to create engaging online courses for adults will be a key skill moving forward and help them survive the pre- and post-COVID-19 crisis. In this project, adult educators or wannabe adult educators will learn how adults learn online – and at a distance – drawing on crucial theories. They will evaluate technologies for supporting online and distance learning in specific contexts, drawing on a range of experiences and research to successfully design engaging and inspiring online courses.

The project coordinator is P1. UNIVERSITATEA “DIMITRIE CANTEMIR” DIN TG. MUREȘ (DCU), România. Partners: are P2. KEK TEHNIKES SHOLES EPIMELITIRIOU IRAKLEIOU (KEK), Greece; P3. DANMAR COMPUTERS SP ZOO, Poland; P4. GRANTXPRT CONSULTING LIMITED (GRANTXPRT), Cyprus; P5. VYTAUTO DIDZIOJO UNIVERSITETAS (VMU), Lithuania.

### **The DigiEduAdult Curriculum for VET Providers**

The idea of the DE is a response to the report from the ET2020 working group on adult learning. Based on the report the COVID-19 pandemic has forced a digitalization of education and rapidly pushed education and training systems to explore new ways of teaching and learning. The impact of the COVID-19 crisis on adult learning (AL) has also been acute. Participation in adult learning has been impacted, with adult learning providers and educators facing multiple challenges in continuing their learning offers and adapting to the situation.

The main challenges relate to: transforming face-to-face courses into online courses, establishing online relationships with learners and securing the required equipment and

infrastructure; challenges include a lack of sufficient skills of the practitioner; there is therefore a need to learn more about how different groups are coping with the transition to distance learning, and what can be done to help them equal access to learning opportunities.

### **Current Status Review Report**

The project partners had a first transnational meeting during which they established the method of providing the evaluation report of the current situation, regarding the existing situation in the partner countries, related to the development of digital skills necessary for the implementation of the project idea.

The methodology of the current state assessment report was established, based on a focus group with LAGs in each country. Focus groups were organized in each partner country in which experts discussed and analyzed the situation of digital education during the crisis. The leader of the activity was Dimitrie Cantemir University, which developed, after consultation with all partners, a detailed focus group plan.

During the Consultation Workshop, the project was presented and the learning outcomes were discussed. The European framework of digital competences was presented, the experts expressing their interest in each individual competence. It is proposed that the new curriculum that will be proposed take into account the current state and the national specifics. At the same time as the content of the units, the program proposal should be updated and refined at the national level. The experience of the partners suggests that this type of workshops are the best way to involve the target groups from the beginning. DCU prepared a questionnaire that was agreed and implemented by each partner. The reports of the focus groups from each country were sent through the Admin Project platform, made available to the project by the Polish partner, DANMAR. The information from the partners formed the basis of this summary report of the assessment of the current state

### **The Focus Group**

The LAG of Romania consisted of seven experts, who have long-term professional and practical experience in VET and Adult Training. For the purposes of the DE project, a two-hour hybrid online meeting and F2F was held with them, to identify the key issues that we need to take into account when developing the training curriculum of the DE project. The focus group took place online on the 1th of September, from 12:00 to 14:00. The facilitator of the focus group was Assoc. prof. PhD. S-M. Bălan the director of Strategies, Programs and Projects from DCU. She gave a brief presentation about the project and its aims/goals at the start of the meeting

Technical Institute of Heraklion Chamber of Commerce and Industry conducted a focus group in Crete for the DE project, which consisted of 6 experts in the field of vocational training and education. All focus group participants were given an agenda a few days before, and the meeting itself lasted about 2h. The meeting took place online at 29.08.22 The purpose of this meeting was to identify key issues that DE project partners should take into account in order to develop a training program. At the beginning of the meeting, all participants were introduced to the purpose and objectives of the project, followed by a discussion between the participants and the organizers of the event.

Danmar conducted a focus group in Poland for the DE project, which consisted of 6 experts in the field of vocational training and education. All focus group participants were given an agenda a few days before, and the meeting itself lasted about 2h. The purpose of this meeting was to identify key issues that DE project partners should take into account in order to develop a training program. At the beginning of the meeting, all participants were introduced to the

purpose and objectives of the project, followed by a discussion between the participants and the organizers of the event. The participants were asked to answer several questions. The results can be found below.

The LAG of Cyprus consisted of six experts, who have long-term professional and practical experience in VET and Adult Training. For the purposes of the DE project, a two-hour online meeting was held with them, to identify the key issues that we need to take into account when developing the training curriculum of the DE project. The focus group took place online on the 8th of July, from 10:30 to 12:30. The facilitator of the focus group was Dr. C. Hadjichristodoulou (Founder and Managing Director of GrantXpert Consulting) and the Project Manager on behalf of GrantXpert, Mr. Ch. Michael, gave a brief presentation about the project and its aims/goals at the start of the meeting.

VMU - DE Focus Group Discussion Feedback was mentored by A. Čapienė, Vytautas Magnus University. The aim has to identify the attitudes of experts and employees as far as current (digital) skills for remote working are concerned. The main questions were covered, like how do they cope with the situation regarding digital competencies and what gaps can be identified? Moreover, there was a need to identify possible training activities that could be implemented in The DigiEduAdult curriculum for VET providers and the online training program. Therefore, the decision was made to employ a focus group interview method. Depending on the complexity of the phenomenon under investigation, VMU chose to invite 10 interviews, but when was a focus group meeting entailed 7 participants with experience in adult training. The duration of a focus group discussion was 110 minutes. Focus-group discussion provided qualitative data, which was recorded, transcribed, and analyzed using the qualitative data program MAXQDA2020 by searching for themes that occurred across the discussion.

## **The Importance of the Digital Competences**

The mentors of the Focus groups presented six different groups of competencies: professional engagement, digital resources, teaching and learning, assessment, empowering learners, and facilitating learners' digital competence. Each group of competencies was presented separately, and after the presentation, participants discussed them. During the focus group discussion, the participants were consequently asked what they thought about the presented competencies. The Eu document DigCompEdu framework propose 22 competences grouped in 6 area ([https://joint-research-centre.ec.europa.eu/digcompedu/digcompedu-framework\\_en](https://joint-research-centre.ec.europa.eu/digcompedu/digcompedu-framework_en))

### *Area 1: Professional Engagement*

- C1.1. Organisational communication;
- C1.2. Professional Collaboration;
- C1.3. Reflective Practice;
- C1.4. Digital Continuous Professional Development;

### *Area 2: Digital Resources*

- C2.1. Selecting digital resources;
- C2.2. Creating and modifying digital content;
- C2.3. Managing, protecting and sharing digital resources

### *Area 3: Teaching and Learning*

- C3.1. Teaching;
- C3.2. Guidance;
- C3.3. Collaborative learning;



### *Area 4: Assessment*

- C4.1. Assessment strategies
- C4.2. Analysing evidence

- C4.3. Feedback and Planning
  - Area 5: Empowering Learners
  - C5.1. Accessibility and inclusion
  - C5.2. Differentiation and personalisation
  - C5.3. Actively engaging learners
  - Area 6: Facilitating Learners' Digital Competence Accessibility and inclusion
  - C6.1. Information and media literacy
  - C6.2. Digital communication and collaboration
  - C6.3. Digital content creation
  - C6.4. Responsible use
  - C6.5. Digital problem solving
- The results of the options are related in table 1.

Distance Educator- Training Educators of Adults in the digital age  
2021-1-RO01-KA220-VET-000034702

Co-funded by the Erasmus+ Programme of the European Union

Area	No C	Dimitrie Cantemir University - ROMANIA							KEK TEHNIKES SHOLES EPIMELITIRIOU IRAKLEIOU - GREECE						DANMAR COMPUTERS SP ZOO- POLAND						GRANTXPRT CONSULTING LIMITED-CYPRUS									
		P1	P2	P3	P4	P5	P6	P7	Average	P1	P2	P3	P4	P5	P6	Average	P1	P2	P3	P4	P5	P6	Average	P1	P2	P3	P4	P5	P6	Average
Professional Engagement	C1.1	4	4	4	4	5	5	4	4,33	5	5	4	5	5	4	4,67	5	4	5	5	5	5	4,83	4	4	5	5	5	4	4,50
	C1.2	5	5	5	5	5	5	4	4,83	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00
	C1.3	5	5	5	4	4	5	4	4,50	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	5	4	5	5	3	4	4,33
	C1.4	5	5	5	5	5	5	4	4,83	4	4	4	5	5	5	4,50	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00
Digital Resources	C2.1	4	4	4	5	5	5	4	4,50	4	4	5	5	5	5	4,67	4	4	5	5	5	5	4,67	4	4	4	4	4	5	4,17
	C2.2	4	4	3	5	5	5	5	4,50	4	5	5	5	4	4	4,50	4	5	5	5	5	5	4,83	4	4	4	4	4	4	4,00
	C2.3	5	5	4	5	5	5	4	4,67	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	3	5	5	5	5	5	4,67
Teaching and Learning	C3.1	5	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	5	4	5	5	5	5	4,83	5	5	5	5	5	5	5,00
	C3.2	5	5	4	5	5	5	4	4,67	4	5	5	5	5	5	4,83	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00
	C3.3	5	5	4	5	5	5	5	4,83	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00
Assessment	C4.1	4	4	5	5	5	5	5	4,83	4	5	5	5	5	5	4,83	4	4	5	5	5	5	4,67	4	5	5	5	3	5	4,50
	C4.2	4	4	4	5	5	5	4	4,50	4	4	4	5	5	5	4,50	4	4	5	5	5	5	4,67	4	5	5	5	5	5	4,83
	C4.3	5	5	5	5	5	5	4	4,83	5	4	5	5	5	5	4,83	5	4	5	5	5	5	4,83	5	5	5	5	5	5	5,00
Empowering Learners	C5.1	2	2	5	5	5	5	4	4,33	5	4	5	5	5	5	4,83	4	4	5	5	5	5	4,67	2	4	5	5	4	5	4,17
	C5.2	4	4	5	5	5	5	5	4,83	5	5	5	5	4	5	4,83	5	5	5	5	5	5	5,00	4	4	5	5	3	5	4,33
	C5.3	5	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	5	5	5	5	3	5	4,67
Facilitating Learners' Digital Competence	C6.1	5	5	4	3	5	5	5	4,50	5	4	5	5	5	5	4,83	5	4	5	5	5	5	4,83	5	4	3	3	3	5	3,83
	C6.2	2	2	4	1	5	5	4	3,50	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	2	5	5	5	4	5	4,33
	C6.3	3	3	3	5	5	5	5	4,33	4	5	4	5	5	5	4,67	5	5	5	5	5	5	5,00	3	3	3	3	3	3	3,00
	C6.4	3	3	4	3	5	5	5	4,17	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	3	3	3	3	4	4	3,33
	C6.5	4	4	5	4	5	5	4	4,50	5	5	5	5	5	5	5,00	5	5	5	5	5	5	5,00	4	5	4	5	3	4	4,17

Table1. The importance of the Digital competences

## Conclusions of the Qualitative Questionnaire

### The Situations Faced by the Experts During the Crisis. Obstacles and Concerns

Eg. opinions: “Countless educational institutions across Europe are enduring a period of rapid pedagogical transformation as teachers, trainers and other academic staff are increasingly having to rely on technology to deliver blended or online learning to their learning cohort. The same is also true of learners who have also had to make seismic shifts as a response to the Covid 19 pandemic, contact limitations, and physical distancing measures. The crucial issues we faced were: are teachers appropriately equipped to deal with the shift in pedagogical or technical terms? And have education managers considered the end users' needs and perspectives? To ensure that learning was disrupted as little as possible, educators had to quickly install, adopt and become experts with digital tools- Online learning management systems, video conferencing tools and messaging platforms etc- just to make sure students could



*access course materials and communicate with teachers. There wasn't any time to lose as you have to adapt instantly to the new situation.”, “In the field of electricity distribution, the most delicate problem is the care of operative personnel (electricians, dispatchers) who must be healthy, able to be in the field to maintain the functionality of the electrical networks. The second problem is the remote communication between the departments that work together permanently, which requires a quality technical communication support (internet). It is very difficult to communicate remotely and access an internal network of a company, being the risk of viruses and low transmission speed.”, “The degree of readiness of the participants. The transition to change is objective, but it is subjective for each person since the change was for everyone. Transition is subjective so the degree of change management was very subjective and there was resistance from little to very much so the sociological resistance of some people who didn't want this medium had to be managed while others were more willing because they thought it was an opportunity for education. Software themselves has improved in 2 years since they were not as user-friendly in the beginning as they are now.”*

### ***The Evolution of the Crisis Situation. New Obstacles and Concerns Have Arisen***

*Eg. opinions: “To switch effectively to online learning, three overarching requirements need to be fulfilled; access to the internet, the right technology, and skills to use the technology. We have seen a rapid transition to online learning across the board, where professionals who might have been previously 'resistant' to using technology to support their teaching and learning or lacked confidence to make the transition, have now been forced at pace to gain experience and expertise with a wide array of digital tools.”; “The measures taken in time managed to avoid the unavailability of directly productive personnel, they being divided into groups, without meeting at the change of shifts. In this way, the number of people who could have sickened others has been reduced to a minimum, as well as the risk of not having operational staff in the field and at the dispatch center. Obstacles were such as not all adapting to an isolated activity, without contact with outside staff, especially for those from the dispatcher who should have slept in the institution, away from their family. This was not the case because the measures taken and health monitoring were permanent, and the staff understood that they should not come into contact with too many during their free time.”; “Unfortunately, the situation lasted longer than we initially anticipated and we had to think of alternative ways of examining the students, most of the teachers opting for larger projects that the students had to work on and on which they later received grades.”*

### ***Digital Tools Used Before the Crisis and During the Crisis***

*Eg. opinions: “The use of digital content in all levels of education was relatively uncommon before the Covid crisis. Only 20% of countries had digital learning resources in teaching, and only in some schools. Worldwide, a mere 10% of countries had robust digital learning capabilities offering some of the educational materials available outside of school. According to the World Bank, no country had a universal digital curriculum for teaching and learning. These numbers paint a picture of the efforts that governments and schools had to take to rapidly move to distance learning to ensure continuity of learning. (europeandataportal.eu/ )”; “Before the crisis, digital tools do not used to the maximum, but with this crisis, the use of these modern tools and the Internet of Things was accepted. Here, I mean sending documents in electronic format (doc, .pdf), using digital signatures for decision-makers, using communication platforms (Temas, skype, Webex, etc.) to avoid physical interaction, to be much more efficient in use of working time, reduction of travel expenses. it is a paradigm shift for these times. First of all, I believe that special attention is needed for the implementation of resilience measures in any*

*field. The lack of primary, human resources, major environmental events are the factors that can lead to major crises, with repercussions in the chain, like in a domino. Secondly, who would have thought that after containing the Covid crisis, we would quickly face an energy crisis in Europe? How we are prepared for major environmental events (earthquake, tornadoes, heavy rains, prolonged drought). Are there concerns about implementing resilience measures to minimize the material and human damage that can occur in such situations.”*

*Opinions on continuing remote work after the pandemic: “We will use probably remote working but for my foundation, the on-site work is very important due to its specific meaning of training and teaching. Compared with 2010, the share of people doing an online course doubled from 4%. Young people, aged 16 to 24, were generally doing online courses more frequently than the average adult population. In 2019, 13% of young people reported doing an online course in the last 3 months, compared to 9% among adults aged 25 to 64. Among older people (aged 65 to 74), only 1% did an online course. Even larger differences between the age groups are observed in one further aspect of online learning activities: communication with instructors or students via educational websites or portals. In 2020 28% of young people aged 16 to 24 reported to have communicated with instructors and students online in the last 3 months, while only 7% of those aged 25 to 64 were doing this. (ec.europa.eu/eurostat)”, “... the implementation of modern communication tools has led to a paradigm shift in remote communication for the analysis of the specific activity, the approval of some technical-economic documentation, the participation of a larger number of interested persons and the reduction of expenses. The interaction between the company and customers is greatly improved by using the Internet, they can submit complaints, notifications, documentation for obtaining approvals, without going to the institution's headquarters.”*

Regarding their educational experience during Covid-19, most of the participants reflected that they had an immediate need to change the teaching/ learning process with weak or no additional resources or support from their organization. Some of them have expressed that it was a clear and big gap between young and older colleagues, who have employed different digital skills and knowledge. Few of them were already familiar with some digital programs, and the changed situation was not very stressful. For distance learning implementation were used some digital tools like mentioned tools and platforms: MS Teams, Zoom, Moodle, Loom, BBB system, WhatsApp, Mentimeter, Kahoot, and Hangout. Most of them were adopted during the duration of the Covid-19 crisis.

Educators cannot become experts in online teaching overnight. Instructional designers must provide appropriate and correct guidance to adult trainers so that they can gradually adapt their training content to the new digital environment. Adult trainers are not the right people to design the training content for online trainings, they need experts to take on this role. Also, the training material needs to be adapted to the educational needs of different trainees.

## **Next Steps**

**The structure of the distance educators’ curriculum** will consist of the following parts: the aim, the objectives, the rationale, the content with the description of the 5 modules.

The curriculum of distance learning will also contain the duration of the training course as well as forms and methods of delivery, the learning outcomes. Once the curriculum is finalized, it will be made available online as OER in the form of an easy-to-navigate, web-based structure. Browsing through the curriculum will be expanded by additional features improving interactivity such as searching through its content or downloading its specific parts of one’s interest.

## REFERENCES

- [1] European+ project Distance Educator- Training Educators of Adults in the digital age, 2021-1-RO01-KA220-VET-000034702
- [2] European Union, DigCompEdu framework, accesat de pe [https://joint-research-centre.ec.europa.eu/digcompedu/digcompedu-framework\\_en](https://joint-research-centre.ec.europa.eu/digcompedu/digcompedu-framework_en)
- [3] European Union, Data portal, accesed by europeandataportal.eu/
- [4] People expanding their knowledge by learning online, 2020, accesed on 26.10.2022, [https://ec.europa.eu/eurostat/web/products-eurostat-news/product/-/asset\\_publisher/VWJkHuaYvLIN/content/EDN-20200517-1/pop\\_up](https://ec.europa.eu/eurostat/web/products-eurostat-news/product/-/asset_publisher/VWJkHuaYvLIN/content/EDN-20200517-1/pop_up)

# **ECONOMIC SCIENCES SECTION**

# Implementation of AI within Companies for Decision-Making and Predictions

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## Abstract

The use of technologies based on artificial intelligence (AI) is an element that allows companies to achieve benefits for both the company and the beneficiary. Even if the investment in these technologies is substantial in the first phase, the result can be directly proportional to the investment. At first, artificial intelligence was used to eliminate repetitive work that could easily be done by robots, more recently AI allows the use of various algorithms that can make very accurate predictions. Based on these predictions, the company can realize material advantages and reduce the assumed risk for various investment decisions, new business opportunities appear.

*Keywords: artificial intelligence, deep learning, machine learning, predictions, algorithms*

## Introduction

According to some researchers, we are in the 4th industrial evolution, the one that develops technologies but also allows the digitization that is already implemented in various fields [1,2]. The use of technologies that until not long ago we did not even think about it are now used on an increasingly large scale and in various fields such as: economic, medical, biological, etc. Terms such as machine learning, deep learning, or artificial intelligence (AI) were found in various research but without a practical implementation [3].

In fact, the term artificial intelligence (AI) is not a recent one, this technology is based on the Turing test [4]. The use of these new technologies was for the creation of intelligent machines that increase the efficiency of the human workflow [5]. At first, AI was used to solve various simple problems such as checkers, chess, etc. [6]. In the specialized literature, AI is defined as "programs, algorithms, systems or machines that demonstrate intelligence", so if we use AI we will be able to correctly identify from large data sets the model that must be learned and applied in order to maximize the respectively process [6].

At this moment AI is considered as a factor of progress especially in the digital economy, thus AI has been introduced in more companies, which meant big investments. For example, in the banking industry, the implementation of the virtual assistant helps customers to perform basic banking operations (see George from Banca Comerciala Romana). Such instruments allow banks to have substantial savings due to operating discounts [7].

The implementation of Ai within companies involves the use of various technologies that involve the use of expert systems, processing neural speech, virtual/intelligent agents, process automation, neural networks, speech recognition, genetic algorithms, fuzzy logic, etc. In the first phase, these implementations of AI were carried out by researchers who were requested by companies to introduce AI elements into their processes.

The implementation of AI in companies will lead to the economic growth of the company by creating more competitive advantages and new business opportunities, although many executives consider the use of AI as extremely critical for the future of their companies [7].

The implementation of AI is possible in companies who has the necessary financial power to be able to do so. Companies that want to use AI must invest massively in both physical and human resources for success in this field [8]. According to some specialists, the expenditure required for AI implementation can affect the company by increasing the debt or by reducing the cash flow [7].

The use of AI in commerce is useful for identifying preferences of clients but also for collecting related data to be able to offer personalized services for them [9]. Through the implementation of AI by companies, they can obtain advantages due to the use of trusted advisors for consumers. These advantages, of course, lead either to an increase in companies' incomes or to a decrease in their costs [10].

Companies that use AI are more and more numerous and are gaining ground more and more all around the world. Thus, the AI industry market is estimated to reach around 267 billion USD by 2027 [11] by using this technology to perform repetitive tasks that will no longer be performed by humans. As AI develops, the solutions it solves will not only be those that involve decision-making. AI decision-making is still in the test phase, but for the medical side these tests are quite advanced [12].

The use of AI for decision-making involves a level of risk, but any decision has a degree of risk, especially in medical or financial decision-making where these decisions are preferred to be given by humans and not by machines [13].

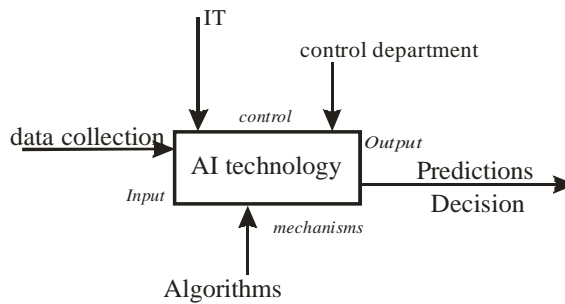
The main concern in use AI is given by the fact that humans can be replaced by machines, many studies calculating the impact on the labor market. In fact, the impact on the labor market is quite low until now due to the need for qualified employees [14].

## **Methodology**

By identifying the various articles that reviewed the implementation of AI in companies. Based on these researches, we wanted to identify the functional model that should be used for a good AI implementation. During the functional model phase, we identified what would be the restrictions that can be found in the good functioning of AI algorithms in order to increasing companies' productivity or incomes.

## **Results**

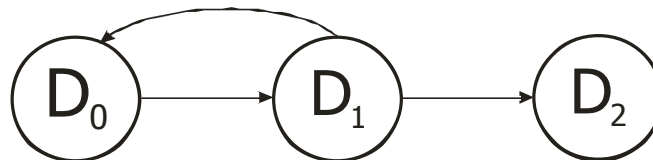
The implementation of AI technologies is conditioned by the understanding of the company's need but the desire to improve the processes within the company. A formalization of the implementation process of AI technologies requires the identification of some stages. This formalization allows the understanding of this phenomenon by all the people who want to implement AI.



**Fig. 1.** Functional diagram for AI implementation

This diagram allows the identification of the elements that contribute to the implementation of AI technologies. The most important element is the output from this mechanism which is the prediction/decision related to the analyzed data and which allows the identification of the company's mode of action.

The graph for AI implementation within companies is as follows:



**Fig. 2.** Graph for AI implementation

In the case of the implementation graph of AI technologies, you can identify  $D_0$  which represents the initial data collected,  $D_1$  is the data that allows learning the various AI algorithms used and  $D_2$  represents the prediction/decision based on the data collected.

The restrictions imposed for the implementation of AI technologies by companies are the following:

- The data to be processed, their origin and the quality of this data;
- Identification of the technologies required for the implementation of AI technologies;
- Identifying the algorithms that can process the collected data;
- Realization with the help of algorithms of the decisions/predictions necessary to bring added value to the company;
- Putting into practice the predictions obtained with the help of AI.

## Discussions

The introduction of AI-based technologies has become a trend for all companies that want to manage their businesses, unfortunately there are few studies that confirm the benefit of using AI in companies [15]. The benefits of AI applications can only be identified if the company reports this, as is the case with a pizzeria that reduced delivery time and improved delivery time prediction [16].

Recent research and surveys have identified the fact that AI is important for the development of companies. Renowned companies such as Amazon, Facebook, Apple use AI to make operations more efficient [17]. The use of AI technologies allows to reduce costs in the case of financial institutions by up to 22% [18].

The implementation of new AI technologies will allow companies to increase their income, as is the case of those from Airbnb, who recorded increases in daily income by over 8%, while the rate for one night also decreased [19]. Companies that have used AI can report an increase in income through various methods: employee productivity, setting competitive prices, efficient inventory management [6].

Another benefit is the fact that people respond more easily to questionnaires that are carried out by robots, compared to less qualified personnel. Using Ai, more competitive prices can be obtained without performing analyzes with other companies, this is due to a forecast of consumer demand [20].

Companies that have implemented AI have the opportunity to benefit from the collected databases and thus have the opportunity to learn from this data about consumer preferences and thus provide personalized services to customers [21].

Studies confirm that US companies that invest in AI grow faster than those that do not invest in AI. Similarly, German companies that use these technologies lead to the launch of innovative products [22].

An important concern in the case of using Ai is privacy. The confidentiality of data collected with the help of AI technologies is a constant concern that restrain the use of these technologies [6].

The specialized literature identify the fact that the functioning of AI is improved if AI helps people rather than if it replaces them. This was also confirmed by research that applied a questionnaire to managers and the conclusion was that AI is more efficient if it works and not if it replaces people [6].

## Conclusions

Implementation of AI technologies within a company will have an important impact on the implementation costs, but also on the benefits. In the current economic situation, the implementation of AI is considered a factor that must be analyzed before making an investment. Those who will adapt and use AI will have added value compared to companies reluctant to these technologies.

## REFERENCES

- [1] Avram C., Gligor A., Avram E.L. (2012). New approach on optimal decision making based on formal automata models. *Procedia Economics and Finance* 3, pp.852-857. Doi:10.1016/S2212-5671(12)00240-7
- [2] Avram C., Avram E.L., Gligor A. (2014). Formal models for describing mathematical programming problem. *Procedia Economics and Finance* 15, pp. 1501-1506. Doi: 10.1016/s2212-5671(14)00617-0
- [3] Avram C., Gligor A., Avram L. (2020). A Formal Model Based Automated Decision Making. *Procedia Manufacturing* 46, pp. 573-579. Doi: [10.1016/j.promfg.2020.03.083](https://doi.org/10.1016/j.promfg.2020.03.083).
- [4] Turing A.M. (1950). Computing machinery and intelligence. *Mind*, 59(236), pp. 433–460.
- [5] Jain H., Padmanabhan B., Pavlou P., Raghu T.S. (2021). Editorial for the special section on humans, algorithms, and augmented intelligence: the future of work, organizations, and society. *Information Systems Research* 32 (3), pp. 675-687.
- [6] Hang H., Chen Z. (2023). How to realize the full potentials of artificial intelligence (AI) in digital economy? A literature review: *Journal of Digital Economy*. Doi: [10.1016/j.jdec.2022.11.003](https://doi.org/10.1016/j.jdec.2022.11.003).
- [7] Ariel K.H.L., Lee M.C., Ngai E.W.T. (2021). Impact of artificial intelligence investment on firm value. *Annals of Operations Research* 308, pp. 373–388. Doi: [10.1007/s10479-020-03862-8](https://doi.org/10.1007/s10479-020-03862-8)
- [8] Bughin J., Seong J., Manyika J., Chui M., Joshi R. (2018). Notes from the AI frontier: Modelling the impact of AI on the world economy. McKinsey Global Institute.
- [9] Edelman D.C., Abraham M. (2022). Customer experience in the age of AI. *Harvard Business Review* 100(2), pp. 116-125.
- [10] Dawar N., Bendle N. (2018). Marketing in the age of Alexa. *Harvard Business Review*, 96(3), pp. 80-86.



- [11] Fortune Business Insights. (2020). Technology & media: Artificial intelligence market. Fortune Business Insights. Retrieved from <https://www.fortunebusinessinsights.com/industry-reports/artificial-intelligence-market-100114>.
- [12] Alton Y.K.C., Pal A., Banerjee S. (2023). AI-enabled investment advice: Will users buy it? *Computers in Human Behavior* 138 (2023), 107481
- [13] Zhang L., Pentina I., Fan Y. (2021). Who do you choose? Comparing perceptions of human vs robo-advisor in the context of financial services. *Journal of Services Marketing* 35(5), pp. 634–646.
- [14] Graetz G., Michaels G. (2018). Robots at work. *Rev. Econ. Stat.* 100(5), pp. 753–768.
- [15] Jain V. (2019). An impact of artificial intelligence on business. *International Journal of Research and Analytical Reviews* 6(2), pp. 302–308.
- [16] Minevich M. (2020). Ways that you can prove ROI from AI. Retrieved May 15, 2020 from <https://www.forbes.com/sites/markminevich/2020/03/03/4-ways-that-you-can-prove-roi-from-ai/#208b5fa784a7>.
- [17] Marr B. (2019). The 10 best examples of how companies use artificial intelligence in practice. Retrieved Jun 3, 2020 from <https://www.forbes.com/sites/bernardmarr/2019/12/09/the-10-best-examples-of-how-companies-use-artificial-intelligence-in-practice/#5591731a7978>.
- [18] Joyce L. (2018). Artificial intelligence and the banking industry's \$1 trillion opportunity. Retrieved Jun 4, 2020 from <https://thefinancialbrand.com/72653/artificial-intelligence-trends-banking-industry/>.
- [19] Zhang S., Mehta N., Singh P.V. and Srinivasan K. (2021). Can an artificial intelligence algorithm mitigate racial economic inequality? an analysis in the context of airbnb. *Marketing Science* 40(5), pp. 813-820.
- [20] Miklós-Thal J. and Tucker C. (2019). Collusion by algorithm: Does better demand prediction facilitate coordination between sellers? *Management Science* 65(4), pp. 1552-1561.
- [21] Gregory R.W., Henfridsson O., Kaganer E. Kyriakou S.H. (2021). The role of artificial intelligence and data network effects for creating user value. *Academy of Management Review* 46(3), pp. 534-551.
- [22] Alessio A. (2022). AI trading and the limits of EU law enforcement in deterring market manipulation. *Computer law & security review* 45(2022) 105690

# The Brand - An Important Intangible Asset in Business Valuation

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## Abstract

Determining the fair market value of a company can be a complex task. There are many factors to consider, but it is an important financial skill businesses leaders need in order to succeed. Intangible assets are an important source of strong competitive advantage for businesses, for creating customer value, for the investors and also for the shareholders. Creating a brand is an activity based on a deep knowledge of the market. Branding is important because not only is it what makes a memorable impression on consumers but it also allows customers and clients alike to know what to expect from a company. The brand is a way of distinguishing a company from competitors and a way of clarifying what the company offers as a better choice. The most durable components of a brand are its values and personality, which in effect are the essence of a successful brand. This article focuses on the brand valuation as an intangible element for a company subjected a merger and/or acquisition process. To better understand the concept an example is used herein.

*Keywords: Brand, Company Valuation, Company Market Value, Competitive Advantage*

## Brand (Sometimes Called Trademark)

Many of the most successful companies focus on managing and monetising their intangible assets to achieve returns. By regularly monitoring and valuing their intangible assets and their return on investment, businesses are able to make the right strategic decisions driving their success. One of the most important assets of innovative and successful companies are their intangible assets. For many companies, intangible assets may account for up to 80% of their average market value.

Intangible assets are identifiable non-monetary, not physical in nature, such as brands, proprietary data, processes, know-how, technology; and key skills which are created by businesses to perform daily activities, innovate and create a competitive advantage. Everyone in an organization should understand the importance of the intangible assets, including business owners, investors, developers, accountants etc.

One of the most important intangible assets is the brand, which importance is determined by the perception of the firm customers. It is not a physical asset but it has a real value for a company. No matter the industry, the product, customer or size a company's brand is its single most important intangible asset.

The brand was introduced in the balance sheet of a firm for the first time by Reckitt & Colman, a UK company in 1980 according to the study "The contribution of brands to shareholder value", Business Week, by Salinas (2002) [1]. This happened since the legislation allowed the introduction of a newly acquired brand as an intangible asset. In this way, the introduction of the brand in financial statements gradually became a standard adopted by many countries. Thus, in 1999, the United Kingdom introduced the first Financial Standard that allowed companies to include intangible asset values in their financial statements.

According to the definition of the Romanian State Office for Inventions and Trademarks (OSIM), a brand, or a trademark, is a sign capable of graphic representation serving to distinguish the goods or services of a natural or legal person from those of other persons.

Distinctive signs such as: words, including personal names, designs, letters, numerals, figurative elements, three-dimensional shapes and in particular the shape of the product or its packaging, combinations of colours and any combination of these signs may constitute trademarks. Therefore, a trademark is a marketing-related intangible asset that is primarily used in the marketing processes to promote products or services. According to IVS210 - Intangible Assets: “Intangible assets related to marketing are used primarily for marketing or promoting products or services. Examples include trademarks, brands, unique trade designs and internet domain names.” [2]

According to OMFP 1802/2014 focused on the approval of the Accounting Regulations on the individual annual financial statements and consolidated annual financial statements, an intangible fixed asset, such as the brand, may be initially measured at acquisition cost or production cost. When it is acquired separately the cost is composed by addition to the acquisition cost any cost directly attributable to the asset.[3] However, there are costs which are not included such as advertising, promotional activities, staff training, and administrative and general overheads.

## **Methods of Valuing the Brand**

Company valuation, also known as business valuation, is the process of assessing the total economic value of a business and its assets. During this process, all aspects of a business are evaluated to determine the current worth of an organization or department.

The market value of an asset is defined in the Valuation Standards as “The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion”. Particularly in valuing an intangible asset, valuers must understand specifically what needs to be valued and the purpose of the valuation.

## **Approaches Used to Establish the Market Value of the Brand**

### **Market Approach (by Comparison)**

The sales comparison approach determines the fair market value of an intangible asset, such as the brand, by referencing it to the trading or offering prices of identical or similar intangible assets, or by "valuation multiples" implied by the trading or offering prices of identical or similar intangible assets. A valuation multiple is a multiplier calculated by dividing the trading or offer price of an intangible asset by a financial indicator, such as: the turnover generated by intangible assets, the profit generated by an intangible asset, the gross profit (EBIT = Earnings Before Interest and Taxes or EBITDA = Earnings Before Interest, Taxes, Depreciation, and Amortization).

From practice one can conclude that the small number of transactions with similar intangible assets, hence an inactive market, makes it difficult to adjust prices of similar intangible assets or multiples; relative (qualitative) rather than quantitative corrections. Usually, the market transactions method is applied mainly to check the credibility of the results obtained from the relevant appropriate valuation method.

## **The Income Approach**

The income approach estimates the value of an intangible asset by calculating the present value of the profit, cash flow or savings that the intangible asset would generate for market participants owning the intangible asset over its remaining useful/contractual life. The income stream attributable to an intangible asset may arise from several sources, located in all areas of the activities of the entity owning or controlling the intangible asset.

The first source relates to sales volume growth, which provides: decreases in unit fixed costs (economies of scale) due to increased production volume; obtaining a higher selling price than competitors (price premium); gaining a leading position or even a monopoly in a product market; introducing new products on the market, entering new markets and building customer loyalty.

The second source comes from the reduction of unit variable costs, namely: raw materials and materials, labour; staff recruitment and training; advertising and publicity; storage; data processing.

There are a few methods which can be included in the income approach, but we consider that the next three methods are the most important:

### ***Relief from Royalty Method (RRM)***

Methodological basis - the assumption that in the absence of the intangible asset under valuation, its owner would have to procure it through a licence or franchise agreement, for which he would have to pay a hypothetical royalty, which is converted into the value of the intangible asset (through the discounting/capitalisation technique). The RRM is often used to value brands and it incorporates elements of market and income approaches.

The 6 steps in applying this method are: 1) estimating the remaining useful/contractual life of the intangible asset; 2) forecasting the net turnover achievable through the use of the intangible asset; 3) determining the appropriate (market) royalty rate; 4) determining the specific discount rate of the intangible asset under valuation; 5) calculating the present value of the net royalty saving; 6) calculating the tax benefit from amortisation (only if legislation allows).

In practice this valuation method is the primary method used for valuation of product trademarks, patents, franchises, licences and technological documentation. The credibility of the method is high since is based on market royalty rates for similar intangible assets.

### ***Excess Earning Method (EEM)***

The method estimates the value of an intangible asset as the present value of the cash flows attributable to the subject intangible asset after excluding the proportion of the cash flows that are attributable to other assets required to generate the cash flows (“contributory assets”). It is often used for valuations where there is a requirement for the acquirer to allocate the overall price paid for a business between tangible assets, identifiable intangible assets and goodwill. The excess earnings method can be applied using several periods of forecasted cash flows, a single period of forecasted cash flows or by capitalising a single period of forecasted cash flows.

The steps in applying this method are: 1) forecast the amount and timing of future revenues driven by the subject intangible asset and related contributory assets, 2) forecast the amount and timing of expenses that are required to generate the revenue from the subject intangible asset and related contributory assets, 3) adjust the expenses to exclude those related to creation of new intangible assets that are not required to generate the forecasted revenue and expenses, identify the contributory assets that are needed to achieve the forecasted revenue and expenses,

4) determine the appropriate rate of return on each contributory asset based on an assessment of the risk associated with that asset, in each forecast period, 5) deduct the required returns on contributory assets from the forecast profit to arrive at the excess earnings attributable to only the subject intangible asset, 6) determine the appropriate discount rate for the subject intangible asset and present value or capitalise the excess earnings and 7) if appropriate for the purpose of the valuation calculate and add the tax amortisation benefit for the subject intangible asset.[2]

The excess earnings method should be applied only to a single intangible asset for any given stream of revenue and income, generally the primary or most important intangible asset.

### ***With-and-Without Method (WWM)***

The method indicates the value of an intangible asset by comparing two scenarios: one in which the business uses the subject intangible asset and one in which the business does not use the subject intangible asset (but all other factors are kept constant). For applying the method, it is necessary to calculate the value of the business under each scenario.

The main steps in this method are to prepare the cash – flow in each scenario using an appropriate discounted rate. The differences in value between the scenarios should be reflected in the cash flow projections.

### **The Cost Approach**

The cost approach is mainly used for internally generated intangible assets that do not generate identifiable income streams. The cost approach estimates the replacement cost of either a similar asset or one with similar service potential or similar utility. The cost approach determines the value of an intangible asset by comparing it with the cost of generating an asset of equal utility or service potential.

Often, a new intangible asset will have greater utility than the subject asset. In this case a correction to the cost of generating the new asset is required to reflect the lower utility of the subject asset. This adjustment is known as an impairment adjustment. This type of approach can only be applied to the valuation of intangible assets for which either the reproduction cost or the replacement cost of the subject asset can reasonably be estimated.

In this context

- *The reproduction cost* is the cost that would be incurred to create/replicate the asset. This cost would reflect the time, investment and processes involved in the creation of the subject asset, at costs prevailing at the valuation date. This type of cost is most appropriate for the valuation of newly created intangible assets.

- *The replacement cost* is the cost required to create a modern equivalent asset that provides the same utility or functionality as the subject asset. The replacement cost is most appropriate for assets in a satisfactory condition, in which case a potential buyer may have options to create an equivalent alternative, but which does not involve replicating the processes involved in creating the subject asset.

The cost approach is mainly used for those intangible assets that do not have any identifiable revenue streams or other identifiable economic benefits. The costs to be considered, where appropriate, when applying the cost approach to the value of an intangible asset include: salary costs as well as any material expenditure involved in creating the asset; the cost of any advertising or promotion required to create an asset of equivalent utility; the cost of any management activity involved in overseeing the project; legal, licensing and patent registration fees; opportunity cost (i.e. the cost of any alternative investment opportunities that would have been foregone to develop an equivalent asset); the profit that would reasonably be expected by a developer of the asset, given the risks involved.

It also may be necessary to consider the impact of tax deductibility for research or development expenditure associated with the generation of an intangible asset. If the costs are those of creating a modern equivalent asset, it may be necessary to make deductions from these costs to reflect any functional or economic depreciation affecting the subject asset.

### Study Case: Valuation of a Trademark/Brand

In order to exemplify the valuation of a brand we consider a study case regarding the valuation of a brand called “BETA”.

#### Company Overview

The owner of the registered trademark is BETA, with registered office in the Municipality of Târgu Mureş. The company is one of the leading Romanian manufacturers of protective equipment.

Subject of the assessment: The product mark BETA

Purpose of assessment: register in accounting of the trade mark/brand

Type of value: fair value

Valuation date: 30 January 2022

Appropriate valuation method: Relief from Royalty Method (RRM) - discounting of hypothetical net royalty savings

#### Assumptions for Valuation

The turnover of the BETA product brand has been forecast as follows (in real terms):

**Table 1:** Turnover data

Year	2016	2017	2018	2019	2020	2021
Turnover k€	4400	4840	5227	5541	5818	5993

- The royalty rate in the turnover in this area is 4%;
- The corporate income tax rate is 25%;
- Perpetual annual growth in turnover from 2021 to infinity is 3% (in normal terms);
- Nominal discount rate of net royalty savings = 16% (equal to the nominal cost of capital of the enterprise).

**Table 2:** Valuation

	Current	2016	2017	2018	2019	2020	2021
Turnover		4.400	4.840	5.227	5.541	5.818	5.993
Gross royalty saving	0,04	176	193,6	209,08	221,64	232,72	239,70
Tax	0,25	44	48,4	52,27	55,41	58,18	59,93
Net royalty saving		132	145,2	156,81	166,23	174,54	179,78
Discount factor 16%		0,862	0,743	0,641	0,552	0,476	0,4103
Discounted net royalty saving		114	108	101	92	83	74
Amount of discounted net royalty saving	571						

Residual value	1.383						
Discount factor 16%	0,476						
Residual present value	658						
Total discounted royalty saving	1.229						
Present value factor of an annuity suite	6,0884						
Discount rate	0,16						
Corporate tax	0,25						
Depreciation period	15						
Discounted net profit from depreciation	139						
<b>Fair value of brand</b>	<b>1.368</b>						

(1) the financial numbers are in k€

(2) an average useful life of 15 years has been estimated for all identifiable intangible assets, including the brand, although this asset has an indefinite useful life;

The formula for calculating the net present value profit over the useful life obtained as a result of the deductibility of depreciation of an asset is:

$$NPA = TDRS * \left[ \frac{n}{n - (PVFA * s)} - 1 \right]$$

TDRS = total discounted royalty savings; NPA = net present profit generated by the deductibility of depreciation expense; n = the number of years over which the intangible asset is depreciated; PVFA = present value factor of a suite of annuities; s = corporate tax rate

### **Results:**

Total discounted royalty savings = k€ 1.229

n = 15 years

kn =16%

PVFA = 16% and n =15 is 6,0884

So, NPA = 1.229 \* { 15 / [15 - (6,0884 \* 0,250)] - 1 } = k€ 139

Fair value of the brand = k€ 1.368.

### **Conclusions**

Brand is one of the most important resources of a company that can be worth more than 51% of its market capitalization, and according to a study done by PricewaterhouseCoopers- in Germany, brand/brand determines about 56% of the market value of stock exchange listed companies, so the success of the company depends to a large extent on the management of the brand portfolio. Developing a strong brand is essential for attracting and retaining customers.

In today's economy, the value provided by intangible assets must be captured in enterprise valuation. Identifying and valuing intangible assets is critical not only in an active management

framework, but also in factor investing and quantitative modelling in passive strategies that rely on financial statements data and that may need adjustments for comparability.

## **REFERENCES**

- [1] Gabriela Salinas (2009) “The International Brand Valuation Manual: A complete overview and analysis of brand Valuation techniques, methodologies and application”, John Wiley & Sons Publishing House
- [2] International Valuation Standards Council, (2021): “International Valuation Standards”
- [3] OMFP 1802/2014 pentru aprobarea Reglementărilor contabile privind situațiile financiare anuale individuale și situațiile financiare anuale consolidate



# Insolvability of Companies - An Important Aspect in the Current Economy

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## Abstract

Insolvency is a term for when an individual or company can no longer meet their financial obligations to lenders as debts become past due. Before an insolvent company or person gets involved in insolvency proceedings, they will likely be involved in informal arrangements with creditors, such as setting up alternative payment arrangements. Insolvency can arise from poor cash management, a reduction in cash inflow, or an increase in expenses. The COVID-19 pandemic situation caused significant problems for a number of companies, since the payment mechanism was blocked by the lack of liquidity. Overall due to scarcity of liquidities on this circuit's link, the activity of many customers connected by successive payment operations is threatened. Maintaining a continuous payment mechanism is realized sometimes with the price of removing from the circuit those who cannot continue payments. Removing nonpaying customers is made via a procedure named insolvability, which in effect can be reorganization or bankruptcy, both procedures being organized and lead by juridical rules and proceedings. This article tries to point a few aspects of the insolvency procedure and also a few statistical dates regarding insolvent companies in Romania.

*Keywords: debtor, creditors, insolvency, reorganization, bankruptcy*

## Introduction

Nowadays several companies have problems with creditors payments leading to insolvency. Companies in financial difficulty may be subject to a process of economic recovery and insolvency prevention. Thus, the debtor in difficulty may request the court to operate under the protection of insolvency law and hence designate them an judicial administrator to survive on the market, save their business and also eventually pay their debts. This could be done through a reorganization plan which is supervised by the judicial administrator and by the syndic judge. If the reorganization plan fails the company will go into bankruptcy. In Romania, the insolvency procedure is ruled by Law no. 85/2014 focused on insolvency and insolvency prevention procedures.

## Reasons for Insolvency

There are many factors that can contribute to company insolvency:

- Inadequate accounting or a bad management
- Need to pay increased prices for goods and services
- Inability to pass increased costs to the consumer, resulting in no profit
- Losing clients hence losing income for paying the company's creditors
- Produced goods are no longer serving the needs of the customers
- Product quality became inadequate

- Monetary causes, such as fluctuation of coins
- Wrong provisions about the inflation ratio and the price increases
- A high level of cash outgoing comparing with the income level.

All these causes can result in a crisis for the company, in a lack of poise. The company crisis can be considered the final stage of an undesirable process in which the company potential of obtaining profit and its liquidity are going to a wrong direction, threatening the company's existence. Lack of poise results in payment incapacity, a situation of reduced cash flow characterized by changing the liquidity and solvency level. The solvency defines the financial state of a company that is able to pay all its debts as they fall due by the assets. The liquidity shows that the company has financial resources to pay its debts as they fall due, so it has solvency. Seeing a liquidity crisis on time allows for a timely remediation of the situation by measures of reorganization or restructuring. If such cases occur and if the situations cannot be remediated immediately, via juridical reorganization, the firm will enter bankruptcy.

### **The Insolvency Procedure: Reorganization or Bankruptcy**

Insolvency procedure is ruled according to the Insolvency Law (Act) no 85/2014. [1]. If a company approaches insolvency can request the commercial court the opening of an insolvency procedure. Also, if a creditor is not paid on time and his debt is higher than 50.000 lei, this creditor can ask for opening the insolvency procedure against his debtor. The insolvency procedure is a complex procedure with two different steps: reorganization and bankruptcy and is made by the judicial administrator/liquidator under the control of syndic judge and creditors. The reorganization is designed to provide a recovery of the company and in ultimate instance to avoid bankruptcy. In case of impossibility to reorganize the firm, the natural solution is bankruptcy. Bankruptcy is defined as the moment when the firm stops the payment of his debts.

In insolvency procedure are involved many bodies:

- **The Court** - the competence court is the tribunal having jurisdiction over de debtor's registered seat, as recorded in the trade registry
- **The Syndic Judge** - is nominated by the president of the tribunal, from the judges appointed as syndic judges; the procedure opening and closing judgment is passed by the syndic judge
- **The Judicial Administrator or Liquidator** - is nominated by the syndic judge, who will represent the company on the procedure development
- **The Creditors** - the creditors are natural or legal persons which have debts against the liquidated company
- **The Special Manager** – representing the shareholders.

After the insolvency procedure is open all the creditors have to ask for their debts through a special request addressed to the court. The judicial administrator sums all the claim debts and makes the table of creditors which summaries all debtors' obligations.

If a company decides that the debts (or a part) can be paid it can appeal to the reorganization procedure. This procedure involves a reorganization plan via which the obligations can be paid during a period of three years or more. The reorganization plan is in fact a business plan which will lead to a continuation of the company's activity complemented by paying the old debt and new debts from current activity. What makes the reorganization plan different than a conventional business plan is that it has be voted by the company's creditors.

If the obligations cannot be paid during reorganization or the company has no goods and no possibility to pay its obligation, the syndic judge will decide entering into bankruptcy procedure. The effects of entering into bankruptcy and the adequate measures are: the dissolution of the debtor company, cancelling the debtor's rights of administration and appointing a judicial liquidator, handing over the estate administration from the

debtor/administrator to the judicial liquidator, drawing up a list comprising the creditors and all their claims at the date entering into bankruptcy for the liquidator, checking up of the claims, notifying the official initiation of bankruptcy to: the known creditors, the debtor and the trade registry office.

## Stages of the Bankruptcy Procedures

The bankruptcy procedure has three main stages:

1. *Measures preceding the liquidation* - According to Law No 85/2014 the first measure is putting under seal the assets of the debtor's estate (the shops, warehouses, deposits, offices, commercial correspondence, archive, information storage and processing devices, agreements). There are not to be put under seal the objects that have to be urgently realized in order to avoid their material deterioration or loss of value, bookkeeping registers, bills of exchange and other securities that are outstanding or are to shortly become outstanding, cash. For all the assets of the debtor's estate the liquidator makes an inventory and a valuation is made by a special evaluator. The start balance sheet of the bankruptcy is drawn up on the base of the last balance sheet drawn up by the company, which is corrected as the results of inventory are registered, materialized versus the inventory; the annulment of the intangible assets considered without economical value are passed on the outgoings (constitution outgoings); the annulment of the assets of the next exercise since the company does continues the activity on prepaid expenses.

2. *The performance of liquidation* - the liquidation is performed by the judicial liquidator under the syndic judge's control. The liquidation is performed following a few main rules: the assets are sold advantageous and rapidly, the assets may be sold in the lump or individually and the assets are sold by direct negotiation or by action. The revenues obtained from the sale and from cashing up the claims are deposited by the judicial liquidator in the account of the debtor's estate.

3. *The distribution of amounts achieved from the liquidation* - happen every three months (calculated from the liquidation commencement date). The liquidator presents to the syndic judge a report on the funds obtained from the liquidation, the collecting of claims and a plan of distribution among the creditors.

According to the law, the claims shall be paid in the following order according to article 161 of Law no. 85/2014:

- a) first the claims like taxes, stamps, other expenditures from selling the goods and guaranteed claims
- b) taxes, stamps, the expenses necessary for the preservation and administration of the assets of the debtor's estate, the payment of the remunerations of the persons employed
- c) claims arising for credits from insolvency procedure
- d) claims arising from labor relations
- e) claims representing credits, with the related interests and expenses, granted by credit institutions after the procedure opening
- f) budgetary claims
- g) claims representing amounts due by the debtor to third parties on the basis of certain obligations of alimony, allowance for minors
- h) claims representing the amounts established by the syndic judge as alimony for the debtor and his family, in case the debtor is a natural person
- i) claims representing banking credits
- j) other unsecured claims, subordinated claims and claims of the associates or shareholders of the debtor legal person.

After the liquidation of the assets of the debtor's estate, the liquidator provides the syndic judge a final report with a general balance sheet. After the approval of the final report by the syndic judge, this closes the procedure and dispose deregistration.

## Insolvency Procedures in Romania

According to National Trade Register Office in Romania the statistics of the new insolvent company in the last three years are shown in the table below:

**Table 1.** Number of new insolvent companies in Romania

	2019	2020	2021	Sept. 2022
New insolvent companies	6.524	5.694	6.144	4.767

National Trade Register Office Statistics

As it can be seen the level in 2021 is around 8% higher than in 2020 but lower than in 2019, a year before the local impact of Covid-19 pandemic. This effect is caused by government protective measures in support of companies affected by Covid-19 situation:

- paid leave for the employees with temporary suspended contracts up to 75% of the average gross salary per economy
- loan moratoriums for banking loans
- compensation for the drop in turnover in certain sectors
- an extension of the loan guarantee ceiling for small and medium businesses
- facilities for deferred payment for utility services as well as deferred payment of rent for the offices of the companies
- fiscal facilities for the debtor who wants to restructure their budgetary obligations

The top sectors affected in 2021 by insolvency were the construction sector, retail and wholesale, distribution and transport.

During September 2022 it can be seen a large number of insolvent companies. The expectation is that this number will increase in 2023. The real effect of high prices of raw material, electricity, gas and other goods it not yet seen yet in companies outgoings, so the full extent of the pandemic situation and the unstable political climate is not fully experienced. To help companies during these trying times the insolvency law was amended with the possibility to extend the reorganization plan and also by increasing the minimum amount for opening the insolvency procedure.

## Conclusions

The advantage of a reorganization plan is the payment of claims step by step in the reorganization period. The bankruptcy procedure is considered closed only after the distribution of amounts achieved from the liquidation. The procedure closing judgment is notified to all the participants to the procedure and to the trade registry office. The commercial relations are established by the presumption that every trader is capable to pay his debts on time. The trader who stops the payments enters into bankruptcy [3]. Because of this the insolvency is major incident during a company's activity. The business environment has been going through challenges since the beginning of the pandemic. The year 2020 was marked by the Covid-19 situation and unprecedented uncertainties, 2021 allowed for a rebound, but 2022 began with the Russia-Ukraine war throwing the world economy into chaos.

In Romania the investments do not represent the main engine of economic growth, since many companies have problems paying their loans. Many companies at this point survive on own resources in an environment characterized by uncertainties and significant challenges.

## REFERENCES

- [1] Law No. 85/2014 on the insolvency procedure
- [2] Coface Study (2021): Insolvency in Romania
- [3] Bufan R., (2022). Practical insolvency, Hamangiu Publishing H

# Detailed Analysis of Company Profitability in E-Commerce

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## Abstract

Whether a company is a well-stabilized online business, or a new venture just reaching out into the domain of online sales, the use of financial analysis is essential in determining the feasibility of the continuation, or whether re-evaluation would be necessary. In either case, an evaluation of a company's assets, liabilities, and cash flow are key points in establishing a point to measure profitability.

## Why Analyse Revenue?

Based on e-commerce, revenue analysis is a key way to measure and follow the amount of money a business makes from any amount of online sales over a long or short period. With the use of this information a business can make decisions about pricing, marketing, and product development. Revenue analysis can give key indicators to show how well a business's e-commerce strategy is working as well as show where improvements can be made.

Through understanding how a business revenue is generated, as well as the key indicators and influences, a business can then make an informed decision, on where their energies should be focused to develop and grow their business.

A analyse of revenue for any business no matter what the size is always important, by understanding sales and profit over a given period, indicators such as trends can be identified, and the necessary changes in strategy can be made to increase sales and profitability.

## What Are the Benefits of Revenue Analysis?

The benefits of revenue analysis, are that a company alongside its partners and peers can identify opportunities and threats. It is also possible for a company to also use this analysis to discover what markets are the most beneficial for their business. Alongside this, a business will also be able to identify the best pricing strategies for the business, as well as recognise which products and services would be profitable as compared to others that might need improvement or those that may need to be discontinued.

## Potential Difficulties with Revenue Analysis

Indeed, revenue analysis isn't without difficulty, time dependency is a key difficulty, especially when conducting an analysis manually and independently. However, there are many online tools which exist that cut this time-consuming process down significantly, by using automated functions and outputs. It also is key to note that a revenue analysis is not always feasible if, for example, the company in question doesn't follow any form of standardization or quality adherence in their documentation such as through a revenue recognition process and basic accounting policies.

For a revenue analysis to be effective and accurate, defined segregation of revenue from different sources and classifications of revenue are important, as the analysis is complex and derived from numerous sources which can often lead to varying results upon completion.

## Benefits of a Profitability Analysis

With the presence of many e-commerce stores, customer profitability is measured in one sure way which is the difference between the costs of gaining a client and the value of the client over a long period. Other types of profitability are measured by, the value of products, marketing strategies and campaigns, and other strategies that a company may have implemented. The use of indicators and tools is vital to determine where customer profitability arises. Through the use of customer profitability indicators, an organization can improve productivity as well as manage a good profit margin for its e-commerce store.

## What Steps Lead to Successful Profitability?

**1. Finding the right technology** - For the majority of companies, the initial step is to have customers or products that are profitable and can be proven by profitability analysis by using the right tool. Many useful tools give a business valuable information from net sales to profit which can help mitigate the eventuality of calculation mistakes.

**2. Determining costs, revenue, and profit** “Fig 1.” For any e-commerce business there is a need to understand the outgoing costs for not just creating products, but the acquisition of products, marketing, as well as the costs for the tools that might be used for measuring profit.

The next step would be for a company to measure their revenue from the sale of products on their site, but more specifically to be able to recognise the different customer groups, checking the profitability of a product against the sales of the product in their total against their outgoing costs. Lastly determining profitability using various tools, for example, those that can be integrated into a company’s website will automatically subtract the cost of the initiative from the overall revenue, or equally calculate the profitability, by subtracting the cost of making, and promoting from the revenue gained from the sales of the product. A great example of such data would be from the website “Shopify” which has integrated tools that give a business or independent proprietor all the information that they will need at their fingertips:

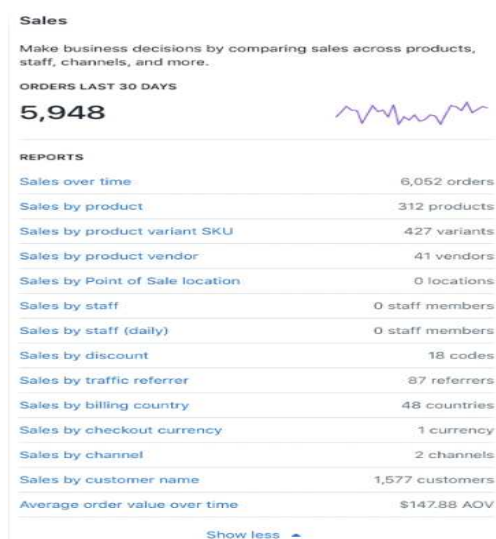


Fig. 1. Sales Report

**3. Customer and product segmentation:** This is the first step in price optimization to group similar products and customers together. Classifications are divided into supervised, and clustering unsupervised algorithms are useful for this segmentation. The best approach depends on your business needs and the nature of your data.

**4. Regression modelling** - Once the segmentation is complete, a regression model of various data points regarding sales, conversion rates, seasonality, product attributes, marketing channels, etc. will help you optimally price your products. Let's take a hypothetical business example from the CPG industry. A regression model created by Unilever's personal care product analytics team helps predict a 15% increase in sales for a 5% price increase in Dove deodorant.

**5. Dynamic pricing** Remember the last time your favourite item dropped in price during Amazon's big sale, and so did other e-commerce stores? This is dynamic pricing. Competitor data is used as input to pricing machine learning algorithms to determine product prices at various points in time. This helps keep your products competitive in a competitive market where prices fluctuate frequently.

## **I.T Modernization and Data Gathering**

E-commerce profitability goes hand in hand with technology, and for good reason. All examples described in supply chains and product catalogues rely on technology in some way to identify opportunities and enable solutions.

The most obvious example of the power of technology is found in data analytics, and more broadly in AI and machine learning (ML). With enough high-quality data, retailers can identify trends that help them predict buying patterns, optimize inventory levels, right-size their workforce, and set pricing and promotions to maximize sales. These technologies leverage a variety of data sources, including past transactions, behavioural data, social media activity, and geographic location to create algorithms and analytics that provide organizations with both more complete customer profiles and better business awareness. Create a model. AI can also be applied to solutions ranging from 24/7 customer service chatbots to customized product recommendations to help retailers increase profitability in the fast-growing digital world. Robotic processing automation (RPA) has an equally big opportunity. Many warehouses are shockingly outdated and rely on humans to collect goods for digital orders. Scanners, conveyor belts, robots, automated forklifts, exoskeletons, and drones can dramatically reduce the time spent at every stage of the fulfilment process. Lacking a centralized and automated delivery facility, it is almost impossible to match the efficiency of other modern e-tailers, whose retailers are using the latest robotics and automation techniques.

### ***Modernizing Old Business***

Successfully developing and executing an e-commerce profitability strategy relies on two key areas: human skills and data. Companies must assess both to identify gaps and restructure their organization to ensure profitability. An obvious concern is making sure the company has the necessary skills and experience. In addition, organizational structures may need to be adjusted to maximize the skills of employees. Flattening the organization and putting decision-making in the hands of team leaders is one of the ways to increase speed and efficiency. Additionally, using robotics to augment human capabilities is another way to expand the workforce. Regardless of the approach, improving a company's e-commerce profitability efforts requires a tremendous amount of flexibility.



## Conclusion

Although there are many online e-shops that have profitability today, few are taking a holistic approach to maintaining their own sustainability, growth, and stability with the intention to keep the business consistent long-term, through strategies such as customer retention, pricing and promotions, supply chain optimization, and lastly modernization through I.T and big data.

## REFERENCES

- [1] Thomason C. and Michalowicz M. (2019). Profit first for ecommerce sellers: transform your ecommerce business from a cash eating monster to a money-making machine. Bookskeep.
- [2] Crabtree G. and Beverly Blair Harzog (2011). Simple numbers, straight talk, big profits! 4 keys to unlock your business potential. Austin, Tex.: Greenleaf Book Group Press.
- [3] Warner S. and Hussain S. (2022). The Finance Book.
- [4] Michalowicz M. (2017). Profit first: transform your business from a cash-eating monster to a money-making machine. New York: Portfolio/Penguin.
- [5] Shabangu M.V. and Angelos Katsaris (2020). The Online Hustle.
- [6] Newman M. (2021). The power of customer experience how to use customer-centricity to drive sales and profitability. New York, N.Y. Kogan Page.
- [7] Tomar A. (2020). Data Analytics in E-Commerce Retail. [online] Medium. Available at: <https://towardsdatascience.com/data-analytics-in-e-commerce-retail-7ea42b561c2f>.
- [8] BeProfit. (2022). How to Perform a Profitability Analysis for Your E-Commerce Store | BeProfit - Profit Analytics Blog. [online] Available at: <https://beproofit.co/a/blog/how-to-perform-a-profitability-analysis-for-your-e-commerce-store> [Accessed 19 Nov. 2022].
- [9] Enterprise Ecommerce Blog - Enterprise Business Marketing, News, Tips & More. (n.d.). 15 Ecommerce Reports to Lift Your Sales, Without Drowning in Data. [online] Available at: <https://www.shopify.com/enterprise/ecommerce-reports>.

# **Theoretical and Practical Aspects Regarding FIRE (Financial Independence and Retire Early) Strategy**

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## **Abstract**

The present paper tries to bring into focus the advantages of implementing FIRE (Financial Independence, Retire Early) strategy in everyday life, as an approach of a living strategy for Millennials.

*Keywords: FIRE, Financial Independence*

## **Theoretical Approaches Regarding FIRE (Financial Independence, Retire Early) Strategy**

The FIRE movement was inspired by a book published in 1992, “Your Money or Your Life” written by two financial tycoons, Vicki Robin and Joe Dominguez. The purpose of the book, according to the authors, is not to convey a general plan for early retirement, but to show people how to live well while consuming less, and to have a more rewarding life while wasting less of the world’s resources. That is, as the authors said, “if you live to have everything, what you have is never enough.” [1]

The idea induced by the FIRE movement is related to the ratio between income and expenses. Thus, the followers of the movement believe that the higher the income and the lower the expenses, the faster one can reach financial independence. For those in the FIRE movement, financial independence isn’t just about staying on a tropical island or playing golf all the time, it is about getting to the point where you don’t have to work all the time if you don’t want to. One can reduce working time to a part-time schedule, or simply stop working altogether.[2]

The FIRE movement takes direct aim at standard retirement and the industry that has grown to encourage people to plan for it. By devoting a majority of their income to savings, followers of the FIRE movement hope to quit their jobs and live only on small portfolio withdrawals for about 20-30 years before they reach the standard retirement age.

In recent years, especially the millennial generation, have agreed to pursue a FIRE retirement. Advocates of an extremely frugal lifestyle, they stay in the workforce for several years, saving up to 70% of their annual income. When their savings reach about 30 times their annual expenses, or about \$1 million, they can quit their day jobs or retire from work altogether. To cover their living expenses after retiring at an early age, FIRE followers make small withdrawals from their savings, typically around 3% to 4% of their annual balance. Depending on their savings amount and desired lifestyle, this requires extreme work to monitor spending, as well as dedication to maintaining and reallocating their investments according to the “Your Money or Your Life” principle. [1]

Practically and technically, FIRE represents a new critical orientation to capitalism, simultaneously hostile to consumerism and the embrace of investment and asset ownership. FIRE provides a type of critical capacity whereby the individual is allowed to see “below” the veneer of consumerism and career ambition. [3]

It is essential to understand that the mentality of investment and calculation is directed against an allegedly exploitative and threatening system of capitalism and put in the service of a more honest existence. The supposed tricks of the marketing, consumer, and credit industries (which help trap people in debt, consumerism, and careers) must be reversed, relying on behavioural economics and consumer psychology to help individuals consciously change their behaviour. FIRE suggests the emergence of a new phase that is highly suspicious of consumer capitalism and its tools of psychological control. In a comparative approach between financial independence and the frugality of consumerism, FIRE theory primarily values freedom in abstinence and maximizing time rather than earning large sums of money. Also, the followers of the theory express criticism towards the consumerism environment. At the same time, FIRE represents a novel adaptation of neoliberal subjectivity that diverts the entrepreneurial self from consumerism, debt, and the labour market, toward existential goals of autonomy and authenticity built on financial surplus and rents. However, FIRE goes far beyond anti-capitalist rhetoric or sentiments to support major lifestyle changes with drastically reduced consumption and disengagement from manipulative lending, marketing, and employment tactics.

The specialized literature presents three variants of the implementation of the FIRE theory in the lifestyle of contemporary people:

- **Fat FIRE** – Strategy recommended for people with a traditional lifestyle who aim to save substantially more than the average worker, but do not want to reduce their current standard of living. In general, the strategy can be implemented by people with a high salary and aggressive savings and investment strategies.

- **Lean FIRE** – Strategy recommended for people who can strictly follow a minimalist lifestyle and extreme savings, requiring an extremely reduced (restricted) approach to consumption. Many US followers of Lean FIRE live on a budget of \$25,000 per year or even less.

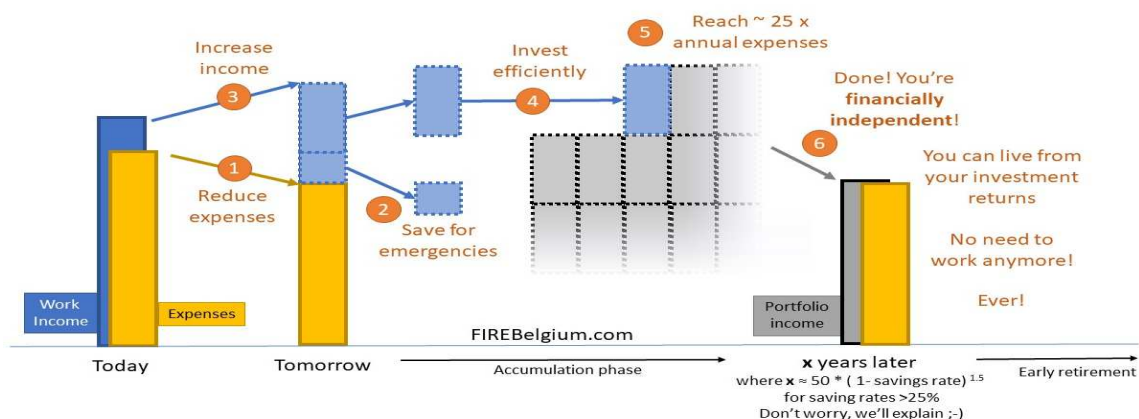
- **Barista FIRE** – Strategy recommended for people who fall between the two options mentioned above. These are the ones who quit their traditional 8-hour jobs, but apply a combination of work – part-time and savings – to implement a less minimalist lifestyle. The part-time work they perform allows them to obtain both salary income and public health insurance (an extremely important aspect in our contemporary society) while saving is a prerequisite for being debt-free.

### **Approaches Regarding the Major Steps in Achieving the Financial Independence**

In line with the scientific literature and with the belletrist-scientific literature, the Millennials are the main supporters of this strategy of life.

Based on a synthetised approach, we conclude that the major steps in archiving the Financial Independence as soon as possible, are:

- Reducing expenses
- Saving for emergencies
- Revenue growth
- Invest efficiently
- Estimate the expenses 25 times higher
- Archiving the FI (Financial Independence)



**Fig. 1.** The easy way to financial independence

(Source: <https://firebelgium.com/how-to-achieve-financial-independence-in-6-very-simple-steps/>) [6]

### ***Reducing Expenses***

As, both scientific literature and implemented life strategies stress, cutting expenses is an essential step to improve any financial situation. Keeping expenses under control, and knowing how to manage money, is the first step toward financial independence. How much anyone spend and what they spend on is in our control. If people (especially Millennials) are not tracking expenses and trying to reduce them, it should start quite soon. In addition to increasing savings, reducing expenses means you'll need less passive income to declare yourself financially independent.

### ***Save for Emergencies***

Once you've managed to save money, the next step is to build an emergency fund as quickly as possible. It's money that will be used in case something unexpected happens. Depending on how stable your situation is, the general advice is to have between 3 and 6 months of expenses saved. The key here is that this money is available at a given time and is not invested in anything risky. It is highly recommended to have your emergency fund fully built before you start investing seriously.

### ***Revenue Growth***

Increasing your income is another very obvious way to increase your savings. However, this is more difficult to achieve than reducing expenses. There are two powerful ways to increase your income: focus on your career and start a business. Also, to be successful in growing revenue, it is important to be strategic. It's also important to realize that in order to have a regular extra income, you need regular extra choices.

### ***Invest Efficiently***

When thinking about investing, most people choose either real estate investing or choosing risky strategies in the stock market. It takes a lot less work to invest money well than it does to earn it. Effective investing is much easier than earning an income. The key is to learn the basics and build a solid investment plan that you simply follow.

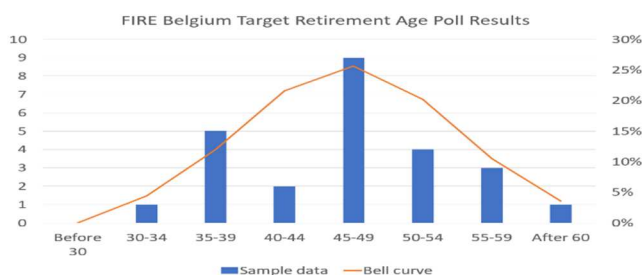
### ***Estimate the Expenses 25 Times Higher***

Think of the amount you want to spend each year and multiply it by 25. Ever since the Trinity study was published in 1994, there has been a lot of research on how long a portfolio of stocks and bonds will last until retirement. This led to the famous 4% rule of thumb, which basically says that if you withdraw 3 to 4% (adjusted for inflation) from your portfolio each year, then the portfolio has a good chance of lasting forever. Of course, the exact figure depends on many

other personal aspects, including other sources of income (pension), lifestyle changes, taxes, etc.

### ***Archiving the FI (Financial Independence)***

And then, boom, you're FI (Financial Independent). While for many it seems like the ultimate goal, FI is just the beginning of an extraordinary adventure. Suddenly, you've freed up 9 to 10 hours of life/day, 5 days/week, every week for the rest of your life. In the FIRE group in Belgium, on average, people plan to retire 20 years before the standard age.



**Fig. 2.** Retirement age survey

(Source: <https://firebelgium.com/how-to-achieve-financial-independence-in-6-very-simple-steps/>) [6]

That means 20 years of extra life (7,305 days or 175,320 hours) and the freedom you didn't think existed a few years ago. And then you realize that financial independence is not just armor but a superpower.

20 more years to learn new things, think, explore, travel, discover, and live your life to the fullest. 20 more years to focus and take action to make the world a better place. You can reflect on your life and think about what is most important. Now you have the freedom to decide what to do with your time, without worrying about the financial side. You can focus on what's most important without having to divide your attention. What you can do from now on is only limited by your imagination.

Many Millennials decide to use the financial superpower to make the world a better place. They have incredible skills, time, and resources, and not having to worry about money makes a big difference, allowing them to focus on what's most important in life. They use financial independence to make the world a better place.

### **The Practical Usability for FIRE Strategy**

Most people think that FIRE is for people who can make a substantial income, generally six figures. And indeed, if your goal is to retire in your 30s or 40s, that's probably the case. However, everyone can learn from the principles of the movement that can help people save for their own retirement and even get an early retirement.

Essential to the FIRE community is recording income and expenses as a means of establishing accountability and a way to test practitioners' commitment to frugality over time. This is the basis for FIRE practitioners to engage in the spirit of self-evaluation they believe is necessary to break free from consumer society and develop the personal resources to live independently. Writing in a ledger is considered a means of easing previously borne physical and emotional burdens and managing the reality of everyday financial transactions. [4]

One of the highest moral goods that FIRE practitioners extol is freedom as autonomy, which is minimized by labor markets, consumer culture, and household debt. FIRE advocates articulate a kind of "artistic critique" that notes that under conditions of compulsion, work, indebtedness, endless consumption, and individual expression are stifled. Among several

prominent bloggers, this has been explained by reference to Maslow’s pyramid whereby financial independence unlocks the potential for “self-actualization.”

“The key to FIRE is really flexibility”, one interviewee pointed out, the ability to design your life and the ability to have the freedom to choose what you want to do. The value of re-appropriated time was set in relation to a life dependent on compulsory work, debt, and consumption. For many FIRE participants, this is framed as a simple, rational choice to prioritize time over consumption. One interviewee said that: “more people have a choice, they can trade time for money and money for things, or they can trade time for money and then use that money as a tool to buy time back.” It also argued that financial independence “allows people to get to the point where they choose what kind of work they want to do, the number of hours they work and the conditions they work in.” [5]

**Table 1.** Indicators

Indicators	România						
	2015	2016	2017	2018	2019	2020	2021
Average monthly income (euro) [7]	413	453	504	568	625	660	690
Gross domestic product per inhabitant (euro) [8]	8,090	8,500	9,510	10,580	11,560	11,440	12,560
Retirement age for women (age/month)[9]	60/2	60/5	60/8	60/11	61/2	61/5	61/8
Retirement age men (age/months)[10]	65/0	65/0	65/0	65/0	65/0	65/0	65/0
Working population (thousands of persons)[11]	8,035	7,981	8,096	8,063	8,091	8,088	8,125
Percentage of retirees in the working population (%) [12]	25.2	25.9	26.7	27.5	28.1	29.0	29.7
Percentage of employed persons who have completed higher education (%)	85.0	86.0	87.7	88.1	88.9	88.6	88.4
Percentage of employed people who graduated from secondary education (%)	61.1	61.7	64.1	65.4	66.2	66.2	68.3
Percentage of employed persons without education (%)	37.6	38.3	39.3	40.2	41.6	40.5	42.5
Indicators	Spania						
	2015	2016	2017	2018	2019	2020	2021
Average monthly income (euro) [7]	2,377	2,364	2,333	2,325	2,330	2,245	2,290
Gross domestic product per inhabitant (euro) [8]	23,230	23,990	24,980	25,760	26,440	23,610	25,500
Retirement age for women (age/month)[9]	65/3	65/4	65/5	65/6	65/8	65/10	66
Retirement age men (age/months)[10]	65/3	65/4	65/5	65/6	65/8	65/10	66
Working population (thousands of persons)[11]	22,767	22,657	22,558	22,607	22,803	22,475	22,906
Percentage of retirees in the working population (%) [12]	27.9	28.3	28.7	29.2	29.5	29.7	30.0
Percentage of employed persons who have completed higher education (%)	76.7	77.9	79.4	80.1	80.3	78.2	79.7
Percentage of employed people who graduated from secondary education (%)	60.8	62.3	63.4	64.3	65.0	61.6	63.4
Percentage of employed persons without education (%)	50.6	52.9	54.6	56.6	57.8	55.4	57.2
Indicators	Belgia						
	2015	2016	2017	2018	2019	2020	2021
Average monthly income (euro) [7]	3,979	3,987	3,959	3,981	4,020	3,912	4,037
Gross domestic product per inhabitant (euro) [8]	36,960	37,960	39,130	40,260	41,660	39,830	43,340
Retirement age for women (age/month)[9]	65	65	65	65	65	65	65
Retirement age men (age/months)[10]	65	65	65	65	65	65	65
Working population (thousands of persons)[11]	4,929	4,934	4,944	5,004	5,048	5,011	5,118
Percentage of retirees in the working population (%) [12]	27.8	28.2	28.6	29.1	29.5	29.9	30.2
Percentage of employed persons who have completed higher education (%)	81.9	82.2	82.2	83.5	83.8	83.3	84.1
Percentage of employed people who graduated from secondary education (%)	66.0	66.6	66.7	67.9	68.8	66.6	67.5
Percentage of employed persons without education (%)	44.6	44.6	44.9	44.6	45.3	44.3	44.7

## Conclusions

Financial Independence, Retirement Early (FIRE) is a financial movement defined by extreme frugality, savings, and investing. By saving up to 70% of their annual income, FIRE supporters aim to retire early and live off small withdrawals from their accumulated funds. Typically, FIRE followers withdraw 3% to 4% of their savings annually to cover living expenses in retirement. Detailed planning, financial discipline, and wise investing are key components to achieving a FIRE retirement. Based on the indicators studied by us, it is point that applying FIRE as everyday life strategy could be a strategy for Millennials, rather than for working population over 50 years old, as well in Romania, Belgian or Spain.

## REFERENCES

- [1] Nick Taylor & William Davies (2021) The financialization of anti-capitalism? The case of the ‘Financial Independence Retire Early’ community, *Journal of Cultural Economy*, 14:6, 694-710, DOI: 10.1080/17530350.2021.1891951
- [2] Robin V., & Dominguez J., (2018). *Your Money or Your Life: 9 Steps to Transforming Your Relationship with Money and Achieving Financial Independence*. Penguin Books, (<https://yourmoneyoryourlife.com/book/>)
- [3] <https://www.ramseysolutions.com/retirement/what-is-the-fire-movement>
- [4] Boltanski L., & Thévenot L. (1999). The Sociology of Critical Capacity. *European Journal of Social Theory*, 2(3), 359–377. <https://doi.org/10.1177/136843199002003010>
- [5] <https://yourmoneyoryourlife.com/book-summary/>
- [6] <https://www.madfientist.com/mr-money-mustache-interview/>
- [7] <https://firebelgium.com/how-to-achieve-financial-independence-in-6-very-simple-steps/>
- [8] <https://insse.ro/cms/ro/content/c%C3%A2%C8%99tiguri-salariale-din-1938-serie-anual%C4%83-0>
- [9] [https://ec.europa.eu/eurostat/databrowser/view/nama\\_10\\_pc/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/nama_10_pc/default/table?lang=en)
- [10] <https://www.cnpp.ro/documents/10180/2235623/Anexa%20nr.%205>
- [11] <https://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/10963/28393/28396/28472>
- [12] <https://bestat.statbel.fgov.be/bestat/crosstable.xhtml?datasource=65ee413b-3859-4c6f-a847-09b631766fa7>
- [13] <https://ec.europa.eu/eurostat/databrowser/view/tipslm15/default/table?lang=en>
- [14] [https://ec.europa.eu/eurostat/databrowser/view/TPS00198/default/table?lang=en&category=demo.demo\\_ind](https://ec.europa.eu/eurostat/databrowser/view/TPS00198/default/table?lang=en&category=demo.demo_ind)

# Decision Tree, Managerial Decision, Making Method

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## Abstract

The present article briefly presents the decision tree and its utility in management related to decision making. Managers often have to make important decisions, which shape the future of their company. Throughout history companies became bigger and bigger, opening up new departments, expanding their reach and their number of employees. This gradual expansion resulted in new risks and a need for reliable and accurate decision-making methods. One of such methods is the decision tree, which is analyzed and studied in the paper below.

*Keywords: decision trees, management, decision-making, advantages of decision trees, disadvantages of decision trees, problem solving, risk management*

## Introduction

Management is a process that has the goal to increase the efficiency of activities, obtaining the best possible results using an optimum amount of resources. The difficulty of making decisions is influenced by the fact that most activities carry risks. When there is more than one random variable or uncontrollable factor to take into account, making decisions increase in difficulty and people opt in to use an analytic instrument to help keep track of all possible variations. One of such instruments is known as the decision tree.

The decision tree is a tool that is based on the probability theories. Its purpose is to simplify the process of decision making and provide an easier to understand solution. Due to its usage in management, it can be more easily understood by people interested in this field, such as stakeholders.

## The Decision Tree

The decision tree is a complex tool used for visualizing and evaluating the alternative solutions in the process of decision making.

A decision tree represents a diagram with the possible actions and solutions for each alternative possibility. Each of these alternatives is represented by a branch, which is further split in sub-branches corresponding to other possible solutions.

The steps required for building the decision tree are [1]:

1. Identifying the problems, establishing the objective and determining the alternative solutions.
2. Structuring and constructing the graphical representation of the decision tree.
3. Establishing the risks or consequences regarding each of the alternative solutions found  $R(i)$ .
4. Determining the probability of events; states have a percentage of success of  $p_i$ .
5. Calculating the mathematical hope for each possible decision. In this step all values are estimated and each branch is explored and calculated.  $S_m = \sum p_i \cdot R_i$
6. Choosing the decision with the highest score. In Anglo-Saxon speciality works this score is noted as EMV, short for Expected Monetary Value.



A decision tree contains three types of nodes [2]:

1. Decision nodes – represented usually through squares
2. Chance nodes – represented usually through circles
3. End nodes – represented usually through triangles

Decision trees are usually used for operational research and operational administration.

**The Decision Tree Usage**

A company that makes furniture decided to open a new representative shop to expand its sales. There are 2 viable locations for the new shop, but each has its own downsides. The first location, A has a 70% percent chance to succeed, in which case it will bring a 5000\$/month profit and a 30% chance to fail, in which case the profit will be 0\$. Moreover, opening the shop in that location costs 100.000\$. However, opening the shop in location B costs only 60.000\$ and has a 90% chance to succeed, in which case it will bring a profit of 2.500\$. Nevertheless, if it fails the profit will be 0. The decision tree will look similar to the one in Fig.1.

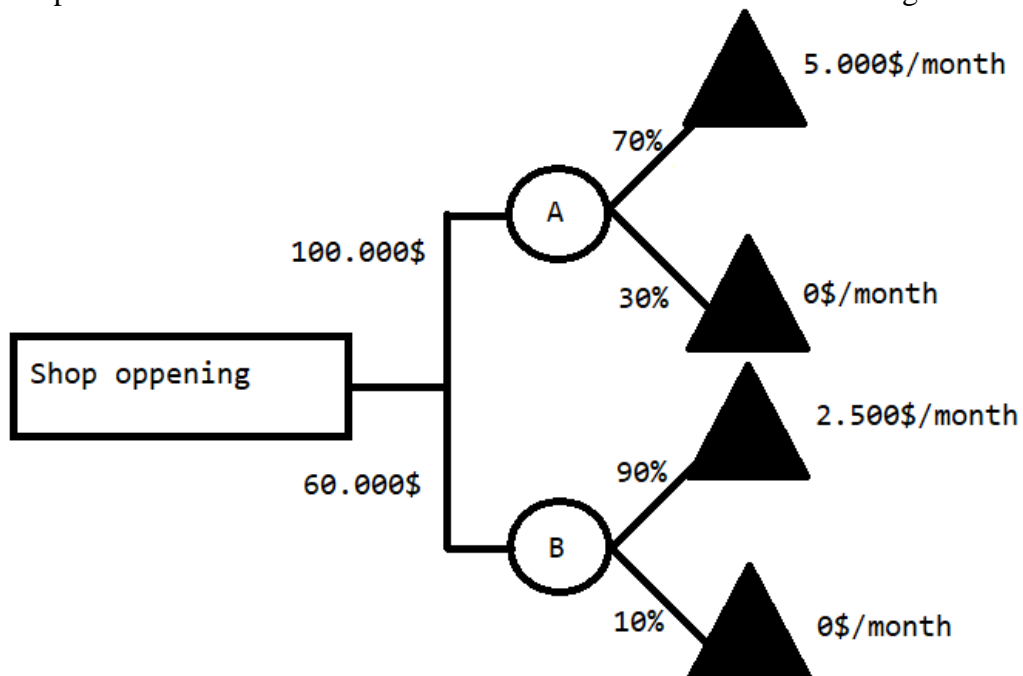


Fig. 1. Decision tree model

$R(i) = \text{Chance}(i) * \text{Result}(i) - \text{Cost}(i) = \text{result for location, where } i = \text{loc. A or loc. B (*)}$

By calculating using the formula (\*) we get that:

In location A we have a profit of  $5.000\$/\text{month} * 70\% - 100.000\$$ .

In location B we have a profit of  $2.500\$/\text{month} * 90\% - 60.000\$$ .

If it is intended to keep the shop open for the duration of 20 years the profit will be:

$R(a) = 5.000\$/\text{month} * 12 \text{ months} * 20 * 70\% - 100.000\$ = 840.000\$ - 100.000\$ = 740.000\$$   
profit in location A.

$R(b) = 2.500\$/\text{month} * 12 \text{ months} * 20 * 90\% - 60.000\$ = 540.000\$ - 60.000\$ = 480.000\$$   
profit in location B.

If it is intended to keep the shop open only for 5 years the profit will be:

$R(a) = 210.000\ \$$ . (In location A)

$R(b) = 75.000\ \$$ . (In location B)

As it can be observed, opening a shop in location A is a lot more profitable than opening it in location B, despite location B being more secure. Moreover, the difference is so big between profits that the duration of keeping the shop open hardly affects the choice, unless we decide to open the shop for less than one year.

### ***Advantages and Disadvantages***

The advantages and disadvantages of the decision tree are [1] :

#### **Advantages**

- The decision trees are easy to understand and interpret. People easily understand the model of the decision tree after a short explanation if the number of the variables is small.
- It can simplify difficult data and always brings a result.
- It helps determine the worst and the best values expected for different scenarios.
- A decision tree can be reused in another decision tree.
- The decision tree can be combined with other decision tools.

#### **Disadvantages**

- Even a small change can lead to significant changes in the decision tree [2].
- The decision trees can become impossible to understand if the number of variables is large [3].
- A big number of variables can lead to complicated decision trees [3].
- People tend to exaggerate the chances when choosing subjective possibilities. [4]

#### **Conclusions**

In conclusion the decision tree is a decent method of calculating the risks and possible wins, as long as the number of variables is small. It provides an efficient structure, in which all alternatives and all possibilities are taken into account, resulting in a final estimated value for a branch.

Important benefits brought by utilising this tool are that it is easy to follow and understand. Moreover, it can be combined with other similar tools to get better results and increase its adaptability.

Even though the decision tree helps in making decisions, it is still on the person to make the optimum one. Problems can appear depending on who makes the decisions and how well they analysed the possibilities.

#### **REFERENCES**

- [1] “arborele decisional”, 10 June 2019. [Online]. Available: <https://administrare.info/management/9143-arborele-decisional>. [Accessed 14 November 2022].
- [2] B. J. M. & S. Kamiński, “A framework for sensitivity analysis of decision trees”, *Cent Eur J Oper Res*, vol. 26, no. 2018, p. 135–159, 2011.
- [3] J. Quinlan, “Simplifying decision trees”, *International Journal of Man-Machine Studies*, vol. 27, no. 3, pp. 221-234, 1987.
- [4] A. Michael, “A Handbook of Management Techniques”, London, Kogan Page Publishers, 1995, p. 633.

# Prevention of Money Laundering and Terrorism Financing

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## Abstract

A how-to guide for the discovery and prevention of the illegal transfer of money written for the private sector--where most money laundering takes place--this article clearly explains shows business professionals how to deter, detect, and resolve financial fraud cases internally. It expertly provides an understanding of the mechanisms, tools to detect issues, and action lists to recover hidden funds provides action-oriented material that will show how to deter, detect, and resolve financial fraud cases Offers an understanding of the mechanisms, tools to detect issues, and action list to recover hidden funds Covers mechanisms for moving money, identifying risk exposures, and investigating money movement Arming auditors, investigators, and compliance personnel with the guidance that, up until now, has been restricted to criminal investigators, Money Laundering Prevention provides nuts-and-bolts information needed to fully understand the money laundering process.

*Keywords: Fiu.net, money laundering, national office*

## The Role of the National Office for Prevention and Control of Money Laundering

The National Office for Prevention and Control of Money Laundering is the Romanian Financial Intelligence Unit (FIU) of administrative type, with leadership role on elaboration, coordination and implementation of the national system of combating money laundering and terrorism financing.

The National Office for Prevention and Control of Money Laundering started its activity in 1999, functioning as specialized body with legal personality, independent and autonomous from an operational and functional point of view, currently subordinated to the Ministry of Finance, which, in accordance with the provisions of art. 39 paragraph (2) of the Law no. 129/2019 for the prevention and combating of money laundering and terrorism financing, as well as for amending and supplementing normative acts, with subsequent amendments and completions, has as object of activity the receipt, analysis, processing and dissemination of information financially, the supervision and control, according to the law, of the reporting entities in order to prevent and combat money laundering and terrorist financing.

## The Relevant Legal Framework

- the Law no. 129/2019 for the prevention and combating money laundering and terrorism financing, as well as for amending and completing some legal acts;
- Order no. 37/2021 regarding the approval of the Norms for the application of the provisions of Law no. 129/2019 for preventing and combating money laundering and terrorist financing, as well as for amending and supplementing some normative acts for the reporting entities supervised and controlled by the National Office for Prevention and Combating Money Laundering.

- Order no. 47/2021 for the approval of the Regulation on the registration of the reporting entity in the records of the National Office for Prevention and Combating Money Laundering.
- Order no. 14/2021 for the approval of the form and content of the reports provided in art. 6 and 7 of Law no. 129/2019 for preventing and combating money laundering and terrorist financing, as well as for modifying and completing some normative acts and the methodology for their transmission.

### **Management and Employee Staff of the Institution**

The Office is managed by a President, who has the quality of tertiary authorizing officer, and by a vice-president, appointed by decision of the Government. The President of the Office is a dignitary with the rank of Secretary of State. The vice-president is a dignitary with the rank of undersecretary of state. The President and the Vice-President of the Office are appointed for a term of 4 years, and may be reinstated only once, for a further 4 years.

The staff of the Office included specialized staff consisting of financial analysts, specialized supporting personnel which includes assistant analysts, as well as contractual personnel which occupies functions specifically to the budgetary sector, as drivers and unqualified personnel and building caretakers.

### **Main Functions**

The basic functions of the National Office for Prevention and Combating Money Laundering, in accordance with the relevant legal provisions, respectively Law no. 129/2019 with subsequent amendments and completions and Government Decision no. 491/2021, are the following:

- Collection, processing and analysis of financial information. When from the analysis of data and information processed at the level of the institution, there are solid indications regarding money laundering or terrorist financing, the Office immediately informs the Prosecutor's Office attached to the High Court of Cassation and Justice, our institution immediately informs the Romanian Service of Information on suspicions of terrorist financing, or informs the criminal investigation bodies about the indications of committing other crimes than those of money laundering or terrorist financing, in accordance with the provisions of the special law, thus outlining the function of dissemination of information to the competent authorities;

- Supervision, verification and control of reporting entities that are not supervised by another prudential supervisory authority, the implementation of which consists in all activities of systematic assessment and monitoring of money laundering risk indicators performed at the Office - off-site and at the headquarters of the reporting entities - on site;

- The function of the Office as a responsible factor in the process of implementing the regime of international sanctions, following the entry into force of Law no. 217/2009 for the approval of the Government Emergency Ordinance no. 202/2008 regarding the implementation of the regime of international sanctions, taking into account his quality of supervisor for those reporting entities that do not have a prudential supervisory authority, according to the special law;

- Preventing and combating the financing of terrorism. The Office, through the attributions conferred by the relevant legislation, has an important role in preventing and combating the financing of terrorism, which determined the institution to be part of the National System for Preventing and Combating Terrorism (NSPCT), actively participating, according to its competences, both to the activity of stopping possible financing flows of terrorist groups, and to the analysis and evaluation of the risks to which the reporting entities are exposed;

- Receiving, processing and analyzing requests for information. In order to perform complex analyzes, as extensive as possible involving financial transactions with foreign elements, FIU Romania operates internationally, focusing on intensifying the exchange of information with foreign institutions that have similar functions, in order to prevent and combat money laundering or terrorist financing, in accordance with legal provisions;

- Cooperation of the Office with the competent national and international authorities, in order to carry out with efficiency its specific activity;

- Human resources management, financial and accounting resources and performance of the public internal audit activity.

In accordance with the legal provisions, the Office receives from the reporting entities three types of reports:

- Report of suspicious transactions;

- The report regarding the operations with amounts in cash, in RON or in foreign currency, whose minimum limit represents the equivalent in RON of 10,000 euros, including the operations that have a connection between them;

- The report regarding the external transfers to and from accounts for amounts whose minimum limit is the RON equivalent of 10,000 euros, including related operations;

- Order no. 14/2021 for the approval of the form and content of the reports provided in art. 6 and 7 of Law no. 129/2019 for preventing and combating money laundering and terrorist financing, as well as for modifying and completing some normative acts and the methodology for their transmission.

The Egmont Group is an international organization of Financial Intelligence Units, created in 1995, which provides the framework for streamlining cooperation on the exchange of information, training, exchange of experience and know-how in the field of preventing and combating money laundering and financing of terrorism.

The Egmont Group is a complex international professional organization, consisting of Financial Intelligence Units from over 165 states. The Egmont Group's actions aim to improve the system of preventing and combating money laundering and terrorist financing (AML / CFT) worldwide.

One of the tools used to achieve this goal is the secure information exchange platform, made available to member FIUs. Constantly, the Egmont Group supports its own members for the implementation of international standards and regulations in the field, by offering a common dialogue forum, by issuing documents meant to guide the international cooperation of FIUs, but also through the projects it coordinates.

The goal of the Egmont Group is to ensure a secure framework for the exchange of information between FIUs, by providing the necessary technologies, training FIU staff to use networks, but also by conducting analyzes and establishing typologies to support training CSB / CFT experts. Within this group there is a Steering Committee, 9 Egmont Regional Groups and 4 Working Groups, respectively: Working Group on Information Exchange on SB / FT (IEWG), Working Group for Acquiring Membership of Egmont and Compliance (MSCWG), Policy and Procedure Development Working Group (PPWG), Technical Assistance and Training Working Group (TATWG).

The National Office for the Prevention and Combating of Money Laundering (ONPCSB) - FIU Romania has been a member of the Egmont Group since May 2000, and the Office's management signed the Declarations reiterating FIU Romania's commitment to continue working as a member of the Egmont Group in 2008 and in 2013, dates when the constitutive documents of this organization were updated. The permanent involvement of the Office in the activities of the Egmont Group has been one of the main objectives at international level. FIU Romania emphasized the achievement of a qualitative exchange of information, through the

secure communication network offered by the Egmont Group - ESW (globally, between the member FIUs).

The requests for information sent by the Office to other FIUs aims at obtaining additional information to support the settlement of financial analyzes and to complete the financial circuit of the funds subject to the money laundering process.

Since 2014, FIU Romania has been included in the Egmont Europe I Region, next to FIUs from: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

The presence of the Office in Region I aimed at ensuring a prolific dialogue with institutions with similar responsibilities in the European Union / European Economic Community, in order to identify best practices in the exchange of information and conduct operational and strategic analyzes related to this region. Egmont working groups are characterized by the following:

The Working Group on Information Exchange (IEWG) which aims to analyze and identify common elements of dialogue between operational analysts and IT experts within FIUs, leading to an increase in the quality and quantity of information exchange between FIUs, in an optimal time, based on strategic and operational analyzes.

The Working Group on Membership, Support and Compliance (MSCWG) is responsible for managing issues related to meeting the requirements for each FIU as a member of the group. It analyzes and issues proposals regarding applications for group membership. MSCWG also analyzes the way in which FIUs cooperate to achieve the exchange of information in optimal and efficient conditions.

The Policy and Procedure Development Working Group (PPWG) is responsible for identifying operational policies and strategic issues affecting the FIUs in the Egmont Group. PPWG will regularly review the important documents issued by the Egmont Group in order to identify the needs for their modification, combining the policies, the normative acts in the field, with the elements resulting from the operational activities of the FIUs.

The Working Group on the Provision of Technical Assistance and Training (TATWG) is responsible for identifying, developing and providing technical assistance and training sessions for Egmont members, in coordination with the activities of other international bodies with responsibilities in the field, as observers, providing support to FIUs for overcoming significant obstacles encountered in the process of implementing Egmont principles and standards, as well as the FATF Recommendations. Egmont working groups meet their objectives through projects involving experts from several FIUs, depending on their activities and area of expertise. Thus, at the TATWG level, the ECOFEL Project (Egmont Center for Excellence and Management of FIUs) was established. We mention that ECOFEL has as main activities: - supporting FIUs in countries where there is a high degree of financial crimes, including corruption, but also the introduction in the financial circuit of the results of crimes; - providing assistance to FIUs to identify the risks and vulnerabilities of national AML / CFT systems, as well as ways to combat them; - supporting FIUs for the acquisition of tools and systems necessary for the detection of products resulting from crimes.

Egmont meetings are organized periodically, twice a year, attended by representatives of the member FIUs, in compliance with the request of the Egmont Committee to ensure the continuity of presence in these working groups. Given the need for the active participation of each Egmont member in the projects and decisions taken at these meetings, the continued presence of the Office, through its representatives, was managed with priority. FIU.NET - The FIU.NET computer network was created with the support of the European Commission in order to achieve the secure exchange of information between the Financial Intelligence Units (FIUs) of the Member States of the European Union, having as main objectives the fight against organized

crime and stopping the use of the financial system for the purpose of money laundering and terrorist financing. FIU.NET is a secure, decentralized communication channel used for the exchange of financial information between FIUs in the European Union. This network was established on the basis of the Grant Agreement financed in 2003 by the European Commission and granted to the Dutch Ministry of Justice, within the Phare Regional Project 2003-2005.

The Romanian Financial Intelligence Unit - National Office for Preventing and Combating Money Laundering became a member of the FIU.NET Network in 2004. Subsequently, the FIU.NET network continued to operate on the basis of grant agreements from the European Commission, until 31.12.2015. Given the impossibility of the European Commission to co-finance the operation of FIU.NET through grant agreements, the decision was taken to integrate the FIU.NET network into Europol, for administration. Thus, starting with 01.01.2016, FIU.NET is integrated in the Europol organization, which ensures its effective functioning.

The FIU.NET system is established to facilitate the exchange of information between the Financial Intelligence Units (FIUs) of the European Union, in accordance with the provisions of EU Directive no. 2015/849 according to which Member States require their financial intelligence units to use protected channels of communication between them and encourage the use of FIU.net or its successor and that FIUs cooperate in order to apply the latest technologies, in accordance with their legislation national. Those technologies allow financial intelligence units to compare their data with the data of other such units in an anonymous way, by ensuring the complete protection of personal data, in order to detect in other Member States persons who are interested in them and to identify their income and funds. The governance of FIU.net is based on the Joint Agreement approved by FIUs and Europol during the meeting of the EU Platform of FIUs that took place in January 2016. EU FIUs are fully involved in the Governance of FIU.net through The Advisory Group, which acts as an interface between EU FIUs, the EU FIU Platform and other relevant Europol units. Between 2016 and 2020, FIU Romania was part of the FIU Consultative Group with representatives of FIU Belgium, FIU Finland, FIU France, FIU Italy, FIU Luxembourg, FIU Netherlands, FIU Poland, FIU Spain and FIU Great Britain.

The Advisory Group has the competence to discuss all issues related to FIU.NET and to provide guidance, opinions and proposals to Europol as well as guidance on the overall strategy and developments related to FIU.NET activities to be carried out by Europol. FIU.NET is an important tool in international cooperation that allows the exchange of information at the EU level, regardless of the type of FIUs - police, administrative, judicial, hybrid. FIU.NET allows FIUs to jointly analyze information and build cases at EU level in real time, while data remains in EU Member States. The FIU.NET network has available the Ma3tch application which is dedicated to Autonomous Anonymous Analysis. Ma3tch is an advanced IT technology that allows connected FIUs to match / compare their data with those of other FIUs, in an anonymous way. On 7 May 2020, the European Commission stated in its Communication on the Action Plan for a Comprehensive European Union Policy on the Prevention of Money Laundering and Terrorist Financing that it intended to take over the management of FIU.net in the short term in order to ensure continuous and uninterrupted operation of the system. Since then, Europol and the Commission have worked closely and intensively to allow this transfer to take place within the required deadline (September 2021).

## REFERENCES

- [1] Denis Cox (2014), "Handbook of Anti Money Laundering", Editura Wiley
- [2] Jonathan E. Turner (2011) "Money Laundering Prevention - Deterring, Detecting and Resolving Financial Fraud", John Wiley & Sons Publishing House
- [3] <https://www.onpcsb.ro/english-documents-onpcsb/general-present>

# Utilization Rate of the National Electronic Online Payment System (S.N.E.P.) - GHIȘEUL.RO

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## Abstract

The national electronic online payment system (S.N.E.P.) aims at creating a centralized electronic collection point for all types of debts owed to any institution. The S.N.E.P. does not manage the debts owed to institutions, but through it the related payments are managed, functioning in an integrated manner with the institutions' own tax management software.

*Keywords: employability skills, transversal competencies, higher education, employers' preferences*

## Introduction

The national electronic online payment system (S.N.E.P.), as a component part of the National Electronic System (S.E.N. – the public administration portal in Romania), is managed by the Authority for the Digitalization of Romania and represents a virtual counter through which one can make payments by internet to enlisted institutions, using bank cards.

In the current “age of speed”, one of the main challenges that the contemporary payment system faced, due to the new technological discoveries both in the IT and communication areas, but also in order to answer to the customers' expectations, was the switch towards a more convenient electronic payment system, perceived as being as secure as cash payment and easily integrated in an online transactions system.

*The evolution, from the effective form to the scriptural form or in the account, but also the permanent development of the recording and transmission technology, determined the emergence and improvement of the electronic payment system as an organized framework for money transfers and settlements in order to finalize transactions. [1]*

## S.N.E.P. in Its First Ten Years Since Creation

The S.N.E.P. concept aims at creating a centralized electronic collection point for all types of debts owed to any institution. Thus, the S.N.E.P. does not manage the debts owed to institutions, but through it the related payments are managed, functioning in an integrated manner with the institutions' own tax management software.

Through the virtual payment counter, Romanian tax payers have the possibility to pay online their taxes and duties, as well as the fines. In fact, the virtual payment counter is the National electronic online payment system (S.N.E.P.) for taxes and duties.

S.N.E.P. was created pursuant to the Government Decision No. 1235/06.12.2010, as a component part of the National Electronic System (S.E.N.). According to the GD 1235, the public institutions that collect taxes and duties were required to enrol to the S.N.E.P., gradually, as follows [2]: Stage 1: county seats and cities with a population >150.000, Stage 2: cities and towns with population <150.000, Stage 3: towns and public institutions not included in the first 2 stages. The enrolment of all the institutions collecting taxes and duties had to be completed



within maximum 18 months of the publication of the GD 1235, i.e., until 06.06.2012, but this objective remains unmet even today.

The first ten years after the creation of the S.N.E.P. were characterized in general by several modifications and amendments to the legal framework, this lack of stability of the legislation being one of the causes for the delays in implementing the system. For example, the title of the normative act was modified several times during this period. If initially, the GD 1235 approved the creation of the *National electronic online payment system for taxes and duties using the bank card*, through the GD 285/09.04.2020, so ten years after the approval of the GD 1235, the title was modified to *Decision regarding the approval of the National electronic online payment system for payments of obligations towards the consolidated general budget*, followed by a new modification of the title, through the GD 692/19.08.2020, to *Decision regarding the National electronic online payment system*.

In 2020, through the GD 89/28.01.2020, the **Authority for the Digitalization of Romania** (“ADR”) has been created, following the merger of the *Agency for the Digital Agenda of Romania (AADR)* and the *Ministry of Communications and Informational Society (MCSI)*. According to ADR, the institution was created to achieve the ambitious objectives of the Romanian Government in the area of the digital transformation of the Romanian society, the virtual payment counter (ghiseul.ro) entering under the management of this newly created authority. [3]

It must be indicated that this authority started its activity in a critical moment, shortly before Romania was also affected by the evolution of the international epidemiological situation determined by the spread of the coronavirus SARS-CoV-2.

ADR knew to take advantage of this context, transforming a crisis situation into an opportunity, as it managed to trigger the increase of the utilization rate of the virtual payment counter, considering its main objective to digitalize the entire process, along with reducing or even eliminating the waiting time in the public institutions. ADR chose a very smart slogan for promoting the ghiseul.ro platform – “Pas cu pas, scoatem Statul din statul la coadă!” which translated “Step by step, we pull out the State from standing in line / queuing” – with clear reference to the communist period when long queues were being formed for buying essentially anything.

ADR continued to develop the platform, introducing new functions. According to ADR’s *Report for the first 300 days of activity* [4], in the period February-December 2020, a set of new functions have been implemented in the Ghiseul.ro platform, as follows: the platform was also opened for payments made by legal entities, the platform was also opened to private suppliers providing public utility services, integration of all types of payments relating to any public service, including the community services of public utility, interconnection with the Virtual Private Space (SPV) platform of the National Agency for Fiscal Administration (ANAF), adding the payments for the most frequently requested public services: driving licenses, passports, temporary circulation permits, vehicle registration documents, possibility to pay any kind of fines, including those under the military orders (establishing fines for the violation of COVID-19 prevention measures).

### **The Utilization Rate of the Platform Ghiseul.ro in Romania**

[www.ghiseul.ro](http://www.ghiseul.ro) is the official website of the S.N.E.P. Through this platform, electronic online payments can be made to enrolled institutions, using bank cards. [5] If tax payers choose to pay their debts through their bank cards, they can use Visa, Visa Electron, MasterCard or Maestro cards issued by any credit institution from Romania or abroad.

The virtual counter is intended for:

– Consulting and paying, by using a bank card, the debts (payment obligations) owed to local budgets, central budget and other beneficiary institutions. This type of operation requires a user authentication with username and password.

– Payment of different kind of taxes, established by institutions for certain services, online by bank card, without user authentication. In this case, tax payers can only pay taxes and duties whose amount is known to them, the real time consultation of payment obligations and the history of transactions not being available. Consequently, if the amount of the taxes and duties owed is known, the total payment can be made, but without being able to view the related details. No fees are charged for the card payments through the Ghișeul.ro platform.

The platform has a friendly and a sufficiently intuitive format for a basic skilled IT user, having several sections comprising useful information, from contact data and related legislation, to details regarding the enlisted institutions from each county, including the number of users from each county. Also, in the section *Legislation*, a user manual can be found, as well as the necessary documentation required for the enrolment of different institutions and banks. Two sections are available on the ghișeul.ro platform: one for the payments with authentication and one without authentication. For the payment section with authentication the payer must choose a username and a password which is automatically generated upon completion of the registration process of the City Hall to which the payer is ascribed. In order to pay its debts, the tax payer will log in to the system and then select the debt owed to the beneficiary public institution.

### Target Achievement Rate on Utilization of the Platform Ghișeul.ro

According to the *Report on the digital transformation of Romania for the period February-April 2020*, the management of the Authority for the Digitalization of Romania has undertaken the objective of having all the municipality City Halls in Romania, as well as at least 50% of all town and commune administrative-territorial units (UAT/ATU) enrolled on the Ghișeul.ro platform. From the statistical data on the utilization rate of the platforms managed by ADR, as at May 2021, a significant increase of the utilization rate of the platform ghișeul.ro can be observed, compared to year 2019.

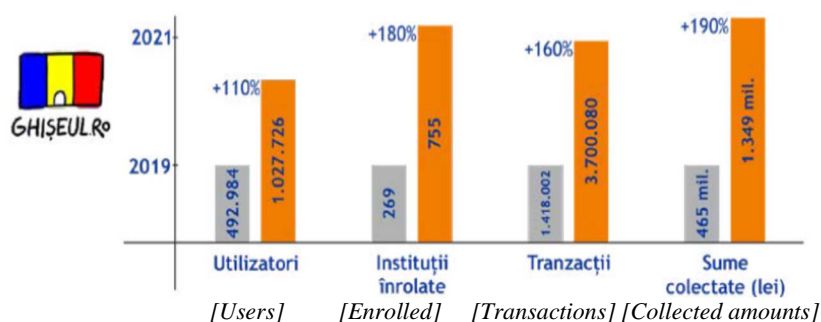


Fig. 1. Statistical data utilization of ghișeul.ro – May 2021 [6]

As at 1<sup>st</sup> of December 2021, a total number of **952 institutions** were listed on the platform ghișeul.ro, out of which 890 City Halls (local taxes and duties) and **1.121.805 of active users**. The number of active users is updated in real time (as at 13 December 2022, the number of active users increased to 1.478.276, i.e. an increase by approx. 32% year-on-year). A total number of 890 administrative-territorial units were enrolled on the platform ghișeul.ro as at 1<sup>st</sup> of December 2021, out of which 101 municipalities. If we consider the total number of municipalities, towns and communes in Romania [2], it results that the target achievement rate for the enrolment of all municipalities was 98%, while the objective of having at least 50% of

all town and commune administrative-territorial units enrolled on the Ghişeu.ro platform was 51% achieved.

### Utilization Rate of the Platform Ghişeu.ro in Mureş County

According to Mureş County Council, in the Mureş County there are a total number of 102 City Halls, out of which 4 municipalities, 7 towns and 91 communes.

The data available on the ghişeu.ro platform show that as at 4<sup>th</sup> of December 2021, at the level of Mureş County there were: 37 enrolled institutions, out of which 34 administrative-territorial units (City Halls) and 3 other institutions (ANAF, Mureş State Inspectorate for Constructions, Prefect Institution); a total number of 43.518 users, out of which 34.803 ascribed to the administrative-territorial units and 8.715 to ANAF. No active users were listed as ascribed to the State Inspectorate for Constructions and the Prefect Institution. Consequently, regarding the utilization rate of the ghişeu.ro platform at the level of Mureş County, the following conclusions may be formulated:

- Globally, 33% of the administrative-territorial units are enrolled on the platform (34/102).
- At the level of municipalities, the enrolment rate is 100% (4/4), while at the level of towns the enrolment rate reaches 57% (4/7) and 29% (26/91) at the level of communes.

Approx. 67% of the City Halls in Mureş County are not enrolled on the platform ghişeu.ro, but globally these are located at the level of communes and small towns (as shown in the graph below), in which the digitalization degree of the population is rather low and the financial education is poor.

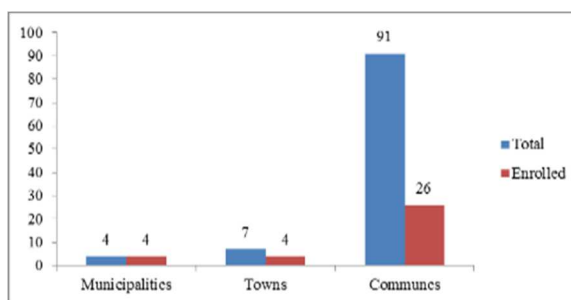
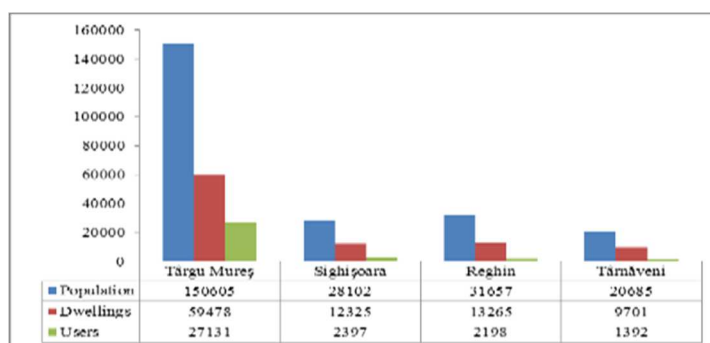


Fig. 2. Breakdown of enrolled administrative-territorial units – Mureş County

A total number of 43.518 active users were listed for Mureş County, the majority (76%) living in municipalities. Considering strictly the number of users ascribed to the administrative-territorial units, the users of the ghişeu.ro platform represent approx. 6% of the population of the county (34.803/576.039) and 15% against the number of dwellings in the county (34.803/233.069). Considering that the population also includes persons without fiscal obligations (children), the ratio users/population is not a relevant one in this case. By contrast, considering that for each dwelling at least one local tax is owed, comparing the number of users with the number of dwellings is more adequate in the context of this study.

The utilization rate of the ghişeu.ro platform at the level of municipalities, against the total number of dwellings in municipalities is 35% (33.118 / 94.769). 82% of municipality users live in Târgu Mureş (the seat of Mureş County).



**Fig. 3.** Outlook on the 4 municipalities in Mureș County

The average utilization rate of the ghiseul.ro platform against the number of dwellings in the enrolled towns/communes is 4% (630/15.375) at the level of towns and 2% (1.055/49.510) at the level of communes, the number of users being hence extremely low both at towns and communes' level. The average utilization rate of the platform in Târgu Mureș municipality, the seat of Mureș County, against the number of dwellings is 46%. The utilization rate in Târgu Mureș is very good compared to other reference cities, i.e. Cluj-Napoca (23%), Oradea (12%), Sector 1 in Bucharest (44%) and the commune Ciugud in Alba County (11%). The reason behind this comparison is the fact that Târgu Mureș is often compared to these cities/commune in terms of economic development, infrastructure etc.

## Conclusions

The first ten years after the creation of the S.N.E.P. were characterized in general by several modifications and amendments to the legal framework, this lack of stability of the legislation being one of the causes for the delays in implementing the system.

The platform ghiseul.ro becomes more visible and known starting with 2020 in the context of the COVID-19 pandemic, the imposed restrictions determining more and more people to take the step towards this digital solution for paying the taxes and duties.

The sanitary crisis coincided with the takeover of the management of the platform by the Authority for the Digitalization of Romania, who knew how to take advantage of this context, transforming a difficult situation into an opportunity, in the sense that it managed to trigger the increase of the utilization rate of this platform by implementing a set of measures that increased the number of users (opening the platform for legal entities, interconnection with ANAF's platform, adding the payments for the most frequently requested public services like driving licenses, passports, temporary circulation permits, vehicle registration documents, possibility to pay any kind of fines, including those under the military orders etc.).

Digitalization is considered by many as an irreversible process meaning that once started it cannot be stopped anymore. For the young generation, this transition towards a digital dimension of the entire life does not represent a particular issue since children develop digital skills from a very early age. However, a rather significant part of the population in Romania does not hold basic IT knowledge, absolutely essential for performing electronic payment operations. On the other hand, a certain degree of mistrust lingers, in general in the middle-old aged people, regarding any kind of online transaction. In the 21<sup>st</sup> century, in Romania there still are people who do not owe a bank account and an associated card. In these conditions, education in general, and digital and financial education in particular, is key in order to increase the utilization rate of electronic payment operations and apps.

Among the measures that could be adopted in order to increase the utilization rate of the virtual payment counter, the following could be mentioned: advertising and promoting campaigns regarding the virtual payment counter, both at national and local level, replacement

of the electronic online payment systems used by certain City Halls in the country, others than ghișeul.ro, with the S.N.E.P, development of an accessible mobile app, with a friendly and simple interface (this measure has already been initiated by ADR, in partnership with Mastercard), creating accessible YouTube tutorials, to complement the existing user manuals, ensure and maintain a high degree of digital security to prevent cyber-attacks and digital criminality.

## REFERENCES

- [1] Ignat Andreea (2013), *Sistemul electronic de plati in practica institutiilor de credit din Romania*, Risoprint publishing house, Cluj-Napoca
- [2] Guvernul României, Hotărârea nr. 1235 din 6 decembrie 2010 privind aprobarea realizării S.N.E.P, disponibilă la adresa <https://www.ghiseul.ro/ghiseul/public/informatii/legislatie>
- [3] Guvernul României, Hotărârea nr. 89/2020 privind organizarea și funcționarea Autorității pentru Digitalizarea României, disponibilă la adresa [www.ghiseul.ro/ghiseul/public/informatii/legislatie](http://www.ghiseul.ro/ghiseul/public/informatii/legislatie)
- [4] Autoritatea pentru Digitalizarea României. Rapoarte de activitate, disponibile la adresa [www.adr.gov.ro](http://www.adr.gov.ro)
- [5] Platforma ghișeul.ro, disponibilă la adresa <https://www.ghiseul.ro/ghiseul/public>
- [6] Guvernul României. Hotărârea nr. 1070/2013 pentru modificarea și completarea Hotărârii Guvernului nr. 1.235/2010 privind aprobarea realizării Sistemului național electronic de plată online a taxelor și impozitelor utilizând cardul bancar, disponibilă la adresa [www.ghiseul.ro/ghiseul/public/informatii](http://www.ghiseul.ro/ghiseul/public/informatii)

# Cryptocurrency

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## Abstract

Cryptocurrency is a virtual currency which changed the whole concept of spending and investing money. With blockchain, helping the transaction to be completed, any individual who is informed can invest money and purchase with the virtual coins. Bitcoin seems to be the most popular virtual coin among the others. Stable coins is also a popular concept among the investors.

*Keywords: cryptocurrency, bitcoin, invest, coins, blockchain*

## Cryptocurrency and Blockchain

A cryptocurrency is a digital or virtual currency that is secured by cryptography, which makes it nearly impossible to counterfeit or double-spend. The blockchain technology allows the vast majority of cryptocurrencies to be decentralized networks. A blockchain technology is “a distributed ledger enforced by a disparate network of computers” [1]. The cryptocurrencies can’t be interfered or manipulated by the government, due to the fact that they are not issued by any central authority. They permit secure online payments without the need of a third-party intermediaries, but not all the e-commerce sites allow the using of cryptocurrencies. “Crypto” refers to the various encryption algorithms and cryptographic techniques that safeguard these entries.

Blockchain is a shared, immutable ledger that facilitates the process of recording transactions and tracking assets in a business network [2]. Anyone should know about the importance of blockchain. It is the ideal way to deliver an information since it is stored “on an immutable ledger accessed only by permissioned network members”. Blockchains is formed by multiple “blocks” which has three basic elements: the data in the block, the number used only once (nonce) which is randomly generated and the hash attached to the nonce. Needless to say, these blocks are encrypted and chained together and is “distributed identically across different decentralized nodes” which can’t be manipulated [3]. “The primary benefit of blockchain is as a database for recording transactions, but its benefits extend far beyond those of a traditional database” [4]. Firstly, it is a way to save the time because the transactions are faster. Secondly, it is economical and lastly, the security is much tighter.

## Bitcoin the Most Valuable Cryptocurrency

Bitcoin is a virtual currency “that can be traded for goods or services with vendors that accept Bitcoin as payment” [5]. Bitcoin is also used as a way of investment, since many people buy it in order to increase in value. It was formed by a blockchain. Bitcoin was born in 2009, “the most chaotic financial environments in U.S. history” [6]. “Bitcoin was created by a person or group of people using the pseudonym Satoshi Nakamoto, the name which appeared on the original 2008 Bitcoin white paper that first described the blockchain system that would serve

as the backbone of the entire cryptocurrency market” [6]. Over the years, several people have stepped forward claiming to be the real Satoshi Nakamoto, but none could provide sufficient evidence to support their claims.

Bitcoin became available to use in 2010, and a year later the price was, for the first time, more than 1\$. The price raised year by year and in November 2017 it hit 10.000\$ for the first time. One month later, it hit 20.000\$. In the pandemic year, 2020, the economy almost hit the ground and that is why the Bitcoin's price was under 29.000\$ in December that year. “Bitcoin's price should continue to rise as long as it continues to grow in popularity and its supply cannot meet demand. However, if popularity wanes and demand falls, there will be more supply than demand. Then, Bitcoin's price should drop unless it maintains its value for other reasons” [7]. Bitcoin reached an all-time high price of \$67,566.83 on Nov. 8, 2021 [8]. Bitcoin mining is the process of bringing new coins in the world. “All transactions are publicly broadcast on the network and miners bundle large collections of transactions together into blocks by completing a cryptographic calculation that's extremely hard to generate but very easy to verify. The first miner to solve the next block broadcasts it to the network and if proven correct is added to the blockchain. That miner is then rewarded with an amount of newly created bitcoin” [9].

### **The Use of Cryptocurrencies**

Buying cryptocurrencies is not a difficult process but it involves three steps. First of all, you have to choose a platform in order to use and you have the possibility to choose between a traditional broker which is usually online and cryptocurrency exchanges. Second of all, you need to fund your account. You have the possibility to buy crypto using “fiat” currencies meaning government issued currencies such as US Dollar, the British Pound or the Euro using your debit or credit card. Third of all, you have to place an order via your broker or a mobile platform [10]. “A trading platform is a software system offered to investors and traders by certain financial institutions, such as brokerages and banks. Essentially, trading platforms enable investors and traders to place trades and monitor their accounts” [11]. Trading platforms are divided in two categories: commercial and proprietary. Commercial platforms have a lot of features which can help the individual like live and interactive charts, international news feeds etc. Proprietary platforms are created by brokerages or financial institutions. “When choosing a trading platform, traders and investors should consider whether the features offered meet their trading needs. Day traders and other short-term traders may require features like access to market depth information such as price levels, order size, and volume to assist them in timing their orders” [11]. Additionally, individuals who want to invest have to consider the reputation of the broker before making any move. They also need to pay attention to the requirements each platform has.

Cryptocurrency is usually stored in virtual wallets, namely crypto wallets “which are physical devices or online software used to store the private keys to your cryptocurrencies securely” [10]. There are two categories of wallets: hot and cold. The first one uses an online software, whereas the cold ones are, actually, electronic devices, but they tend to have charge fees. “For example, day trading platforms may require that traders have at least \$25,000 in equity in their accounts and be approved for margin trading. Options platforms may require that traders be approved to trade various types of options before they can use the trading platform” [11]. Investopedia.com recommends four platforms, which are the most popular too: Interactive Brokers, Trade Station, TD Ameritrade and Robinhood.

As might be expected, cryptocurrencies have a lot of advantages since many individuals around the world use them, but they also have disadvantages.

Starting with the advantages, one of them is that it is impossible for inflation to appear because mineable cryptocurrencies such as Monero, Bitcoin, Litecoin etc. have a limited

number of coins, exactly 21 million. Another advantage is the privacy since the transactions are not easily trackable. Moreover, the markets are always open, even of weekdays during the regular business hours (9:30 am to 4:30 pm Eastern Time). Also, there are “no chances to use some personal data for fraud. Today the majority of purchases are made with credit cards. They are unreliable. Filling forms on websites, customers are required to enter the following data: card number, expiration date and code. It’s hard to come up with a less secure way to make payment. Therefore, credit cards are very often stolen. Bitcoin transactions do not require disclosure of any personal data. Instead, it uses two keys: public and private. The public one is available to all (i.e. the address of BTC wallet), but the private key is known only to the owner. The transaction needs to be signed by interacting private keys and applying a mathematical function. This creates evidence that the transaction is performed by the owner” [12].

Disadvantages are related to the fact that they are not widely accepted yet, a missing payment cannot be recovered, the risk of lack of knowledge [13]. Also, this investment can be volatile because, as the prices can increase, they can consistently fall. While the number of institutions accepting bitcoin is growing by the day, large transactions involving it are rare. For example, very few real estate deals using cryptocurrency have been reported. Even so, it is possible to buy a wide variety of products from e-commerce websites using bitcoin. Here are some of the most active categories:

#### **- *Car Dealerships***

Some car dealers already accept bitcoin as payment. The list spans a range of vehicles and encompasses luxury dealers that sell Lamborghinis (a favorite with bitcoiners) to those offering more utilitarian vehicles like Subaru. Electric carmaker Tesla has become the biggest and most recent name to join the list of companies that enable you to purchase cars with the cryptocurrency. Tesla founder Elon Musk is a crypto enthusiast, based on his Twitter feed, and has said that he supports bitcoin

#### **- *Technology and E-Commerce Products***

Several companies that primarily sell tech products accept bitcoin on their websites. Among them are Newegg, AT&T and Microsoft. Microsoft currently accepts bitcoin only at its online store, not on its Xbox gaming platform. It also doesn’t allow ads promoting cryptocurrency or crypto-related products on its site. Overstock, an e-commerce platform selling a wide array of merchandise, was among the first sites to accept bitcoin, starting in 2014; its founder, Patrick Byrne, was an early proponent. Many other sites, big and small, also allow you to purchase products with bitcoin. Two examples are Shopify and the Japanese e-commerce giant Rakuten.

Notable holdouts to date are Amazon, the world’s biggest online retailer, and eBay. As far back as 2014, Amazon said it had no plans to engage with bitcoin. That reluctance is puzzling since platforms owned by the company, like Twitch, allow and even encourage the use of bitcoin. EBay mulled allowing cryptocurrency use on its platform after the run-up in bitcoin prices in 2017. It has even bought large banner advertisements at cryptocurrency conferences. But in 2019, the San Jose, Calif.-based company would not commit to whether it will approve cryptocurrency-based transactions. However, by 2021, the company commented to Reuters and said it was looking into the future of all forms of payment, including cryptocurrency, and was interested in the NFT market. Meanwhile, PayPal, which was once an eBay subsidiary, now allows customers to buy, sell, and hold cryptocurrency in their accounts.

#### **- *Jewelry and Expensive Watches***

A number of luxury goods makers and retailers have begun accepting bitcoin as a form of payment. The online luxury retailer BitDials offers Rolex, Patek Philippe, and other high-end watches in return for bitcoin and other cryptocurrencies. Luxury watchmaker Franck Muller



even produced a watch encrusted with gold and diamonds and containing a QR code from the bitcoin genesis block. Some other jewelry stores have partnered with payment processors to facilitate crypto-based purchases from their stores.

### **- Insurance**

For the most part, the insurance industry has moved cautiously in embracing cryptocurrency. But things are beginning to change. While life insurance is still off-limits, insurance providers have begun accepting premium payments using bitcoin for other products in their portfolios.

### **Stable Coins**

“Stable coins are cryptocurrencies whose value is pegged, or tied, to that of another currency, commodity, or financial instrument. Stable coins aim to provide an alternative to the high volatility of the most popular cryptocurrencies, including Bitcoin (BTC), which has made crypto investments less suitable for common transactions.” [14].

The first Stable coins were BitUSD and NuBits which were created in 2014. BitUSD was initially issued as a token on the BitShares blockchain. Also, it was collateralized by Crypto and “it lost its parity to the US dollar in late 2018”. NuBits “was governed by the controversial Seigniorage system. This ultimately caused it to shed 94% of its value.” [15].

Stable coins can be divided in five categories: backed stable coins, commodity-backed stable coins, fiat-backed stable coins, cryptocurrency-backed and seigniorage-style. “The backed stable coins are stabilized by assets fluctuating outside the crypto space.”. The main characteristic of the commodity-backed stable coins is that “The value is fixed to one or more commodities, and they are redeemable for such on-demand” [15]. The value of fiat-backed stable coins is pegged to one or more currencies in a fixed ratio. The cryptocurrency-backer’s value is collateralized by another crypto. The value of Seigniorage-style coins is controlled by supply. “Tether is fiat-collateralized stable coin that offers individuals the advantages of transacting with blockchain-based assets while mitigating price risk. Tether is primarily issued on the Ethereum and Bitcoin blockchains and corresponds on a 1:1 basis with US Dollars sitting in bank accounts” [16]. It was founded in July 2014 as a possible solution for the two main issues that cryptocurrencies experience: high volatility and convertibility. Exchanges have been the primary users of USDT as an alternative to fiat currencies, reducing or eliminating the need to maintain outside banking relationships [16].

Tether has its strengths and its weaknesses. One strength “USDT is one of the longest-running stable coins with the most liquidity and exchange listings. Its network effects have given it a sizable lead in the stable coin market with nearly 55% dominance (although decreasing over 2021)” [17]. Another strength is that the price is stable. Weaknesses are related to the lack of transparency and audits, counterparty risks meaning that “Tether Limited is on record as stating that holding Tethers provides no legally enforceable rights to a US dollar for the holder.”

### **Conclusions**

In conclusion, cryptocurrency can make an individual’s life a lot easier, but it can also bring its complications. It’s not all sugar with virtuality, although it does have its benefits.

The list of goods and services you can buy with bitcoin and other cryptocurrencies grows daily as people and vendors get more comfortable with virtual money. Insurance, consumer staples, luxury watches, and event tickets are among the items that cryptos will buy. If you want to buy things with cryptos, start with getting a debit card. Available from major crypto exchanges and other providers, the cards permit the holder to withdraw cash from participating

ATMs. In very far future, global and democratized cryptocurrencies have the potential to replace government-backed fiat currencies as the primary means of conducting financial transactions. With that end in mind, Microsoft has also begun facilitating large-scale simulation tests on behalf of banks and other large corporations interested in understanding the potential ramifications for such a large-scale shift in the global economy. One thing is for certain, and that is that cryptocurrencies facilitate our transactions and economy.

## REFERENCES

- [1] Jake Frankenfield, “Cryptocurrency Explained with Pros and Cons for Investment”, *Investopedia*, Updated September 26, 2022, <https://www.investopedia.com/terms/c/cryptocurrency.asp#toc-types-of-cryptocurrency>.
- [2] \*\*\*What is blockchain technology? *IBM*, Accessed November 12, 2022, <https://www.ibm.com/topics/what-is-blockchain>.
- [3] Sam Daley, “Blockchain. What Is Blockchain Technology? How does it work?”, *builtin*, Updated September 1, 2022, <https://builtin.com/blockchain>.
- [4] \*\*\*“Blockchain”, *synopsys*, Accessed November 12, 2022 <https://www.synopsys.com/glossary/what-is-blockchain.html>
- [5] Alexander S. Gillis, “Bitcoin”, *techtarget*, Accessed November 12, 2022, <https://www.techtarget.com/whatis/definition/Bitcoin>.
- [6] Wayne Duggan, “The History of Bitcoin, the First Cryptocurrency”, *money us news*, Accessed November 12, 2022, <https://money.usnews.com/investing/articles/the-history-of-bitcoin>.
- [7] John Edwards, “Bitcoin’s Price History”, Updated July 02, 2022, *Investopedia*, <https://www.investopedia.com/articles/forex/121815/bitcoins-price-history.asp>.
- [8] <https://coinmarketcap.com/currencies/bitcoin/historical-data/>
- [9] Matthew Sparkes, “What is bitcoin and how does it work?”, *NewScientist*, Accessed November 12, 2022, <https://www.newscientist.com/definition/bitcoin/>.
- [10] \*\*\*“What is cryptocurrency and how does it work?”, *Kaspersky*, Accessed November 12, 2022, <https://www.kaspersky.com/resource-center/definitions/what-is-cryptocurrency>.
- [11] James Chen, “What is a trading platform? Definition, Examples and Features”, *Investopedia*, Updated May 19, 2022, <https://www.investopedia.com/terms/t/trading-platform.asp>.
- [12] Flamur Bunjaku et alii, “Cryptocurrencies – advantages and disadvantages”, Accessed November 12, 2022, <https://eprints.ugd.edu.mk/18707/1/Cryptocurrencies.pdf>.
- [13] Zaer Qaroush, Shadi Zakarneh, and Ammar Dawabsheh, “Cryptocurrencies Advantages and Disadvantages: A Review”, Accessed November 12, 2022, [https://www.researchgate.net/publication/361559252\\_Cryptocurrencies\\_Advantages\\_and\\_Disadvantages\\_A\\_Review](https://www.researchgate.net/publication/361559252_Cryptocurrencies_Advantages_and_Disadvantages_A_Review).
- [14] Adam Hayes, “Stablecoins: Definition, How They Work and Types”, *Investopedia*, Updated October 04, 2022, <https://www.investopedia.com/terms/s/stablecoin.asp>.
- [15] \*\*\*“The History of Stablecoins: The Reason They Were Created”, Accessed November 12, 2022, <https://originstamp.com/blog/the-history-of-stablecoins-reasons-they-were-created/>.
- [16] <https://messari.io/asset/tether/profile>
- [17] <https://www.cryptoeq.io/corereports/tether-abridged>

# **GEOGRAPHY SECTION**

# Methods of Analysis of Maximum Flows in the Study of Small Hydrographic Basins

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## Abstract

The determination of maximum flows in small hydrographic basins presents particularities, with different elements compared to the analysis of maximum flows in large basins. In a small watershed, the rain that falls on a certain surface is distributed and concentrated in an unusual way than the same rain on the surface of a large watershed.

Defining elements are maximum runoff and floods that in small basins form, concentrate and compose differently in time and space compared to those in large basins. This leads to different treatment of the formation and calculation of peak runoff and floods depending on the size of the watersheds.

*Keywords: maximum flows, hydrographic basins, maximum runoff, peak runoff, GIS.*

## Introduction

Small river basins surfaces under 5–10 km<sup>2</sup> are analyzed with the RNS method. The maximum discharge determination for ungauged watersheds surfaces below 1000 km<sup>2</sup> is developed with synthesis relations methodology, using measured data from hydrological stations network in representative neighboring river basins or experimental hydrological stations, having the maximum discharge obtained from regular statistical calculations, and from pluvial network system. The methodology based on rain computation is used for the maximum discharge of 1% probability determination in 5-100 km<sup>2</sup> river basins and the Q200 method for 10-1000 km<sup>2</sup> river basins (Sarpe & Voda, 2017; Diaconu & Miță, 1997; Mustață, 1991) [1,2,3].

As the National Institute of Hydrology and Water Management (NIHWM) is increasingly recommending the use of RNS for the ungauged small river basins maximum discharge computation, it is worth examining its impact in Romania, where SCS-CN is a pioneer in the process (Sarpe & Voda, 2017). [1] According to OMMD (2016) [4], Grimaldi et al. (2012, 2013, 2015) [5,6,7,]. the Rational Formula has to be updated to the new technological trends, which determined significantly improved methodology for river basins maximum discharge evaluation.

With these in mind, we will go through a brief presentation of the debit analysis methodologies, then through their results, where we will then discuss the results and the best approach.

## Research Methodology

Geographical information system (GIS) represents the main geospatial technology that facilitates the use of DEM (digital elevation model), CLC (Corine Land Cover) and HWSD (Harmonized World Soil Database) for the virtual hidro-maps elaboration and catchments

morphological features comprehension. INIS GeoPortal, developed on Esri Geoportal Server Extension Technology and Google Earth are utilized for geographical data validation, environmental factors assessment (Diaconu & Serban, 1994; Yu et al., 2000; Reistetter & Russell, 2011; Jung & Jasinski, 2015; Györi et al., 2016) [8,9,10,11,12].

A considerable number of ungauged river basin parameters can be determined from regional synthesis studies and should be validated in the field, such as land cover, soil typology and watershed morphometric features (Diaconu & Serban, 1994; Sarpe & Voda, 2017) [8,1].

Below are the main calculation methods that offer different results regarding the calculation of maximum flows on the surface of small hydrographic basins, we will go through them and determine which method is the closest to the real situation.

### The Q200 METHOD

If basins with standard areas, for example 200Km<sup>2</sup> and with maximum flows of 1% known directly based on hydrometric materials or calculated after syntheses for an averaged facies type, are adopted as reference basins, then the maximum flow calculation relationship for another basin B with the surface F<sub>B</sub> (Mustață, L., 1991) [3].

$$Q_{\max 1\% B} = q_{200} (200/F_B)^n F_B$$

Where q<sub>200</sub> represents the specific maximum discharge with 1% probability, determined on the 200 km<sup>2</sup> river basins surface and expressed in m<sup>3</sup>/s per km<sup>2</sup> (Fig. 1).

The n parameter is extracted from the n reduction coefficient maps (Diaconu & Miță, 1997) [2].

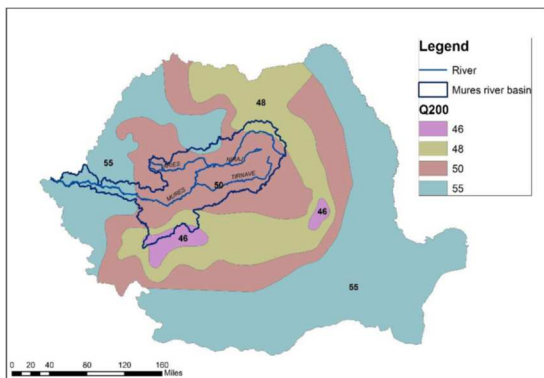


Fig. 1. The q200 specific maximum discharge map

Metoda q200			
Metoda q200 (bazin de referinta 200km <sup>2</sup> , F=10-1000 km <sup>2</sup> )			
Relatii de calcul		$Q_{\max 1\%} = (q_{200} * (200/F)^n) * F$ $q_{\max 1\%} = (Q_{\max 1\%} / F) * 1000$	
Date de intrare (date initiale)		q200 =	1.5
		F(km <sup>2</sup> ) =	5.9
		n =	0.5
Valori rezultate			
	Q <sub>max 1%</sub> (m <sup>3</sup> /s) =	51.5267	
		q <sub>max 1%</sub> (l/s*km <sup>2</sup> ) =	8733.34

Fig. 2. Calculation Method q200 for Idrice Padure Hydrographic Basin

### Hourly Rain Method

The hourly rain method is a formula that can be used to determine the maximum flows with the probability of exceeding or equaling 1% in the case of basins with an area between 5 and 100 km<sup>2</sup>. (Mustață, L., 1991) [3].

$$Q_{\max 1\%} = \frac{0,28(H_{60})_1 \% \alpha F}{(F+1)^n}$$

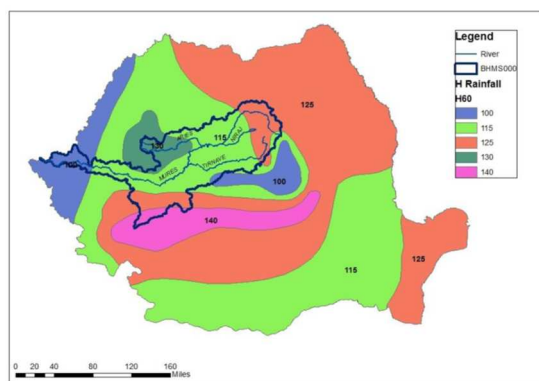


Fig. 3. The H rainfall map.

	Metoda H ORAR	(F = 5-100km <sup>2</sup> )			
Relatii de calcul				Q <sub>max 1%</sub> = (0.28*H60*Cs*F)/(F+1) <sup>n</sup>	
				q <sub>max 1%</sub> = (Q <sub>max 1%</sub> / F)*1000	
Date de intrare (date initiale)					
	H60 =	115			
	Cs(coeficient de scurgere) =	0.44			
	F(km <sup>2</sup> ) =	5.9			
	n =	0.5			
Valori rezultate					
	Q <sub>max 1%</sub> (m <sup>3</sup> /s) =	31.82262598			
	q <sub>max 1%</sub> (l/s*km <sup>2</sup> ) =	5393.66542			

Fig. 4. Hourly rainfall calculation method Idicel Pădure

### The Method of Synthesis Relations

The synthesis relations are drawn up considering the theoretical maximum flow values that are determined by direct methods at hydrometric stations from a hydrological point of view that are in the studied basin or in the neighboring basins. It is necessary that the number of stations, taken into account when establishing a synthesis relationship for a certain territory, consists of at least 4-5 stations. (Mustață, 1991) [3].

The synthesis relations reflect an indirect analysis method, when the hydrometric data is not sufficient, missing, or does not come from a reliable source, the theoretical maximum flow values are determined by indirect methods and are exemplified by synthesis relations in the form of a graph or formulas.

### The Rational Method

The Romanian national rational standard (RNS) method represents the main maximum discharge computation methodology applied for small ungauged river basins in Romania (Sarpe & Voda, 2017) [1].

The rational form represents a central axis of this calculation method by which the maximum flow is expressed in mc/s, with the probability of exceeding - insurance p%, which is calculated according to the average rain intensity parameter (precipitation expressed in mm/min that will generates the maximum flow and which has a duration equal to the concentration time of the runoff in the basin), the area and the runoff coefficient of the hydrographic basin analyzed.

$$Q_{\max 1\%} = B_{1\%} * F^{(1-n)}$$

The RNS method takes into account the watershed surface typology, the vegetation coverage gradient and the vegetation type (grass, shrubs, forest) before maximum discharge computation. In practice, the following hydrographical parameters are determined (Diaconu & Serban, 1994) [8]:

- **F** river basin surface – determined with GIS tools
- **La** river bed length – measured between the river origins and the closing watershed section with GIS tools
- **ΣL** the total river bed length including tributaries– $\Sigma L = La + \Sigma La_{fl}$
- **Lv** the average slopes length-  $Lv = 0,55 * F / \Sigma L$
- **Ia** the average river bed slope -  $Ia(m/km) = \Delta H(m) / La(km)$

## Results and Discussions

Sarpe & Voda (2017) [1], observed that the RNS methodology field validation is considerably increasing the maximum discharge computation accuracy when it's correlated with the calibrated river basin surface parameters in the GIS data base. With the help of satellite imagery, we can indicate land cover typology changes, which are considered important predictors for small river basins hydrological processes development. Legal and illegal deforestation activities are significantly modifying the rainfall-runoff processes, with disastrous effects on a considerable number of Romanian rural communities. Choi (2013) [13] and Posner *et al.* (2014) [14], showed the importance of mapping products and simulation models for the small watershed protection and flood prevention for refined prognosis of water system evolution.

The SCS-CN method would be simpler and much faster, which does not have subjective human errors, but is much more imprecise due to the lack of data cannot be calibrated. The hydrographic maps of Romania are old and need to be renewed to be able to know the updated state of the water courses, the beds, the nature of the surfaces, etc. Another important aspect to consider is the future adjustment process of the American soil groups used in the SCS-CN methodology to the Romanian typology.

## REFERENCES

- [1] Șarpe C. A., & Voda A.I. (2017). Small Watershed Hydrological Models - Lag Time Comparison. 3rd PannEx workshop on the climate system of the Pannonian basin. Cluj-Napoca, Romania, 20-21 March 2017; Horvath C., Croitoru A. E., Guettler I., Man T. C, Bartok B. Eds.; Romania.
- [2] Diaconu C., & Miță P. (1997). *Instrucțiuni pentru calculul scurgerii maxime în bazine mici*. I.N.M.H., București, Romania.
- [3] Mustață I. (1991). *Instrucțiuni pentru calculul scurgerii maxime în bazine mici*. I.N.M.H., București, Romania.
- [4] OMMD, Ordinul MMDD nr. 976/2008. [Online]. Available from: <https://lege5.ro> [Accessed December 2022].
- [5] Grimaldi S., Petroselli A., Tauro F., & Porfiri M. (2012). Time of concentration: a paradox in modern hydrology. *Hydrological Science Journal*, 57(2), 217-228, DOI:10.1080/02626667.2011.644244.
- [6] Grimaldi S., Petroselli A., & Romano N. (2013). Green-Ampt Curve Number mixed procedure as an empirical tool for rainfall-runoff modelling in small and ungauged basins. *Hydrological Processing*, 27, 1253–1264.
- [7] Grimaldi S., & Petroselli A. (2015). Do we still need the Rational Formula? An alternative empirical procedure for peak discharge estimation in small and ungauged basins. *Hydrological Science Journal*, 60(1), 1-11, DOI:10.1080/02626667.2014.880546.
- [8] Diaconu C., & Serban P. (1994). *Sinteze si regionalizari hidrologice*, Editura HGA: Bucuresti, Romania, pp. 151–185, 973-98530-8-0.
- [9] Yu B., Rose W.C., Ciesiolka C.A., & Cakurs U. (2000). The relationship between runoff rate and lag time and the effects of surface treatments at the plot scale. *Hydrological Science*, 45(5), 709-726.
- [10] Reistetter J.A., & Russell M. (2011). High-resolution land cover datasets, composite curve numbers, and storm water retention in the Tampa Bay, FL region. *Applied Geography*, 31, 740–747.
- [11] Jung H.C., & Jasinski M.F. (2015). Sensitivity of a Floodplain Hydrodynamic Model to Satellite-Based DEM Scale and Accuracy: Case Study—The Atchafalaya Basin. *Remote Sensing*, 7, 7938-7958.
- [12] Györi M-M., Haidu I., & Humbert J., (2016). Deriving the floodplain in rural areas for high exceedance probability having limited data source. *Environmental Engineering and Management Journal*, 15(8), 1879-1887.
- [13] Choi H.I. (2013). Application of a Land Surface Model Using Remote Sensing Data for High Resolution Simulations of Terrestrial Processes. *Remote Sensing*, 5, 6838-6856.
- [14] Posner A., Georgakakos K., & Shamir E. (2014). MODIS Inundation Estimate Assimilation into Soil Moisture Accounting Hydrologic Model: A Case Study in Southeast Asia. *Remote Sensing*, 6, 10835-10859.

# Waste Management in the Context of the Circular Economy - A Challenge for Romania. Case Study Mures County

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## Abstract

Circular economy means sustainability and is an ideal model of production and consumption that aims to make, use and reuse all recyclable raw materials to put them back on the market and help them to have a longer life. It meets people's current needs without depleting natural resources. It focuses very much on the future of the planet, because raw materials are becoming increasingly scarce. It is an efficient solution to manage the collection and reuse of all types of waste.

Although in recent years Romania has been trying to comply with EU recycling requirements, there is still a lot of unsorted waste that cannot be reused.

The European Union has set a target for 2020 for every country to recycle a minimum of 50% of the waste generated, collected from its cities. Romania has failed to meet this target. It ranks second last in the EU in terms of recycling rate. Recycling capacity has increased very little in recent years. The situation in Mures county is similar to the situation in the country. We are also very poor in recycling in Mures County and we are not yet even close to the recycling levels we have set ourselves.

*Keywords: circular economy, sustainability, exhaustible resources, recycling capacity*

## Introduction

The circular economy, a component of sustainable development, is a growing theme amid increasingly limited access to natural resources and the challenges posed worldwide by the effects of climate change. The world's population is growing and with it the demand for raw materials. However, the quantity of essential raw materials available is limited. The finite quantity also means that some EU countries are dependent on other countries for raw material supplies.

In addition, the extraction and use of raw materials has a major impact on the environment [1]. They also increase energy consumption and CO<sub>2</sub> emissions. However, smarter use of raw materials can reduce CO<sub>2</sub> emissions.

## The Circular Economy Concept

There is no waste in nature, all materials are part of a permanent cycle, all organic materials are used by other organisms. Human society, however, produces materials that cannot be reintegrated into natural cycles and these materials become waste. Traditionally, waste is considered a source of pollution. Properly managed, they can become an important source of raw materials, especially as many of the materials we need become increasingly scarce [5].



The circular economy [3] involves a number of concepts such as sharing, renting, reusing, repairing, refurbishing and recycling materials and products. This approach has the effect of extending the life cycle of products and optimising the consumption of raw materials and energy, as well as minimising the amount of waste generated, reducing the carbon footprint and being more environmentally friendly. It is an efficient solution to manage the collection and reuse of all types of waste.

### ***The Circular Economy in the European Union***

Every year, the European Union produces more than 2.5 billion tonnes of waste. As such, it is currently updating its waste management legislation to promote a radical shift towards a more sustainable model, known as the circular economy.

The EU economy uses 16 tonnes of materials per capita every year. Of this, 6 tonnes become waste, half of which ends up in landfill. Many EU countries still rely on landfills, even though they are not a sustainable solution. Landfills can contaminate soil and pollute water and air. Uncontrolled waste disposal can lead to the release of dangerous chemicals, which can have harmful effects on our health. In addition, valuable materials that exist in waste are lost with it.

The EU is working to improve waste management in Member States with inadequate waste management policies by recommending various economic instruments [15].

In March 2020, the European Commission presented its Circular Economy Action Plan, which aims to make product design more sustainable, reduce waste and arm citizens with new rights (such as the “right to repair”). Particular attention is paid to resource-intensive sectors such as electronics and ICT, plastics, textiles and construction.

In February 2021, the Parliament adopted a resolution on this plan calling for further action to achieve a fully circular, carbon-neutral, sustainable and toxics-free economy by 2050. It also calls for stricter recycling rules and binding targets for raw material consumption by 2030.

In March 2022 the Commission presented a first package of measures to accelerate the transition to a circular economy in the framework of the Circular Economy Action Plan. The proposals include promoting sustainable products, encouraging consumers to go green, reviewing building materials regulations and a strategy for sustainable textiles.

In order to achieve a European market for sustainable, climate-neutral and resource-efficient products, the Commission proposes that the Ecodesign Directive should also apply to non-energy products and to introduce digital product passports providing life-cycle information.

To achieve a fully circular economy, circularity and sustainability must be introduced at all stages of the value chain, from design to production and ultimately to the consumer. The European Commission's action plan sets out seven areas vital to achieving the circular economy: plastics, textiles, waste electrical and electronic equipment, food, water and nutrients, packaging, batteries and vehicles, buildings and construction.

### ***Plastics***

MEPs support the European Strategy for Plastics in a Circular Economy, which would phase out the use of plastic micro-particles. Microplastics are very small particles of plastic, usually less than 5 millimetres [7].

The number of microplastics found in the ocean is increasing. In 2017, the UN estimated that around 51 trillion microplastic particles can be found in the seas, 500 times more than the number of stars in our galaxy [8].

### ***Textiles***

A lot of raw materials and a lot of water are used to produce textiles, but less than 1% of these materials are recycled.

The EU strategy for sustainable and circular textiles presented by the Commission in March 2020 aims to ensure that by 2030 textile products placed on the EU market are durable and recyclable, made as far as possible from recycled fibres and free of harmful substances [9].

In the collection, recycling and treatment of waste, it is important that circular business models allow for recycling and reuse. Investment is needed to ensure sufficient capacity. EU policies oblige Member States to separately collect textiles by 2025 and ensure that separately collected waste is not incinerated or landfilled. MEPs also want new measures to combat the proliferation of microfibres and stricter standards on water consumption.

### ***Electronics and ICT***

Waste electronic and electrical equipment is the fastest growing waste in the European Union and less than 40% of it is recycled. MEPs want the EU to encourage the manufacture of products that last longer, thanks to the possibility of reusing and repairing them.

Less than 40% of all e-waste in the EU is recycled, the rest is not sorted. Recycling practices vary from one Member State to another - in 2017, Croatia recycled 81.3% of all electronic and electrical waste and Romania only 25% [12].

### ***Food, Water and Nutrients***

It is estimated that 20% of all food produced in the EU is lost or thrown away. MEPs are calling for food waste to be halved by 2030 as part of the "From Farm to Fork" strategy.

According to a Eurobarometer survey in April 2021, around a third of Europeans buy and eat mostly organic food (32%), buy and eat less meat (31%), and 16% take into account the carbon footprint of the food they buy and sometimes change their shopping decisions accordingly [10].

In 2017, packaging waste reached a record level in Europe. The new rules aim to ensure that all packaging on the EU market can be reused or recycled by 2030.

### ***Batteries and Vehicles***

MEPs in the European Parliament have approved new rules requiring that the production of all batteries on the EU market and the materials from which they are made have a low carbon footprint and respect human rights, social and environmental standards.

### ***Buildings and Structures***

Construction produces more than 35% of all waste in the Union. The Commission has announced an update of the Construction Materials Regulation dating back to 2011. MEPs want to extend the life of buildings, set targets for reducing the carbon footprint of building materials and set minimum requirements for resource efficiency and energy efficiency.

### ***Waste Management and Transport***

The European Union produces more than 2.5 billion tonnes of waste every year. MEPs are urging Member States to recycle more and increase the quality of recycling, to stop landfilling, to minimise incineration and to reduce the presence of harmful chemicals in waste. From 2005 to 2018, the average amount of municipal waste measured per capita has decreased in the EU. However, trends may vary from country to country. For example, while the amount of municipal waste per capita increased in Denmark, Germany, Greece, Malta and the Czech Republic, it decreased in Bulgaria, Spain, Hungary, Romania and the Netherlands.

In absolute terms, the highest amount of municipal waste per capita was recorded in Denmark, Malta, Cyprus and Germany, and the lowest in Hungary, the Czech Republic, Poland and Romania.

## **Transition towards a Circular Economy in Romania**

The Government Ordinance no.27/2022 aims to support enterprises in order to stimulate investments for the transition to the circular economy by introducing de minimis aid.

For the purposes of the Ordinance, the circular economy is: an economic system in which the value of products, materials and other resources is maintained for as long as possible, increasing the efficiency of their use in production and consumption, thereby reducing the effect of their use on the environment, and minimising waste and the release of hazardous substances at all stages of their life cycle, including through the application of the waste hierarchy;

The maximum budget of the scheme is the equivalent in RON of the amount of EUR 8 million fixed at the exchange rate on the date of entry into force of the Ordinance, as follows:

a) commitment appropriations for the conclusion of financing contracts for the period 2022-2023;

b) budgetary appropriations for the payment of de minimis aid for the period 2022-2025.

The budget of the scheme for the year 2022 is the equivalent in lei of the amount of 2 million euro from the date of entry into force of the ordinance.

The budget of the scheme for the year 2023 is the equivalent in RON of the amount of €6 million from the date of entry into force of the ordinance.

On 21 September 2022, Government Decision no. 1172/2022 was issued for the approval of the National Strategy on Circular Economy, published in the Official Gazette of Romania no.943, dated 2022-09-27. The development of the National Strategy on the Circular Economy (SNEC) is foreseen in Romania's National Recovery and Resilience Plan (NRRP), Component (3), Reform (1) on waste management.

The National Strategy for Sustainable Development of Romania 2030, adopted by H.G. no. 877/2018 with subsequent amendments and additions, also provides, under Sustainable Development Goal (SDG) 12: Responsible consumption and production, the transition to a new development model by introducing elements of the Circular Economy (CE).

The transition from a linear to a circular economic model is a complex and lengthy process and Romania is still at the beginning. In this transition period, we must bear in mind that the evolution of economic and social capital can no longer be separated from the impact of human activity on the natural environment.

To overcome the challenges on the road to the circular economy, Romania needs a long-term vision and a strategic direction, which is the main purpose of SNEC. The strategy presents the status quo of the economy and its sectors in relation to the Circular Economy model and the vision by which Romania sets a stable path for the prosperity of the whole society through economic growth that ensures a sustainable environment for future generations.

The transition to the circular economy offers many opportunities for economic growth and job creation, innovation and reduction of greenhouse gas emissions. According to the new Circularity Gap Report 2021, circular economy strategies have the potential to reduce global greenhouse gas emissions by 39% and reduce pressure on virgin materials by 28%. Applying circular economy principles across the EU economy has the potential to increase EU Gross Domestic Product (GDP) by a further 0.5% by 2030 and create around 700,000 new jobs through additional labour demand from recycling plants and repair services.

This National Strategy on Circular Economy analyses, in terms of circularity potential, 14 economic sectors in Romania: Agriculture and Forestry, Metal Industry, Chemical Industry, Machine Building Industry, Automotive Sector, Construction, Food, Beverage and Tobacco Products, Textiles, Glass, Paper, Plastics, Electrical Equipment and Electronic Products, Furniture, Tourism. Based on the preliminary analysis, it was concluded that improving CE has the greatest potential in 7 sectors, namely: agriculture and forestry, automotive, construction, consumer goods such as food and beverages, packaging (glass, paper, plastics, etc.); textiles

and electrical and electronic equipment. These sectors will be addressed in detail in the Action Plan, together with waste and water as horizontal sectors.

At the national level, elements of the transition to the Circular Economy in Romania are also foreseen in Romania's Sustainable Development Strategy 2030 and in Romania's National Recovery and Resilience Plan.

At present, responsibilities and mandates on issues related to the Circular Economy are divided between different ministries.

The key objectives for a transition to the Circular Economy (CE) in Romania are:

1. Give priority to local production over imported products and materials;
2. Strengthening economic competitiveness and the workforce;
3. Responsible and sustainable sourcing of raw materials;
4. Promote innovation and research in the circular economy as a priority;
5. Preservation, conservation and sustainable use of natural resources;
6. Waste prevention and sustainable waste management;
7. Promoting responsible consumption and environmental education;
8. Protection of the ecosystem and the health of citizens.

From 2024 separate targets for re-use will be introduced and by then Member States must start the extended application of the EPR to implement re-use and repair of products put on the market (Waste Framework Directive - Art. 1.1) [16]. Romania is also obliged to reduce the amount of municipal waste landfilled to 10% by 2035, hence once again the need for both quality separate collection and the financing of productive investments in recycling.

Romania cannot afford to focus on a single issue, such as providing collection, sorting or recycling/composting capacity. The waste problem needs to be tackled at national level, at all levels of competence and responsibility, with more careful and firm coordination of the activities undertaken by local authorities, with the development of coherent policies prioritising waste prevention, developing repair and reuse, followed by major investment in separate collection and recycling systems and, last but not least, on the alignment between logistical capacity and responsible behaviour of citizens, i.e. education-awareness-involvement.

### Waste Management in Mures County in the Context of the Circular Economy

Separate waste collection and composting play an increasingly important role in achieving both environmental and waste management objectives, as this will reduce the amount of waste landfilled. According to the targets, 60% of collected municipal waste should have avoided landfill by 2020.

**Table 1.** Minimum recycling and sales targets in the coming years.

Year	Sales target %						Overall target for recycling %	Global target for recycling and incineration%
	Paper Cardboard	Plastic bottle	Glass	Metal	Aluminium	Wood		
2019/2022	60	22,5/55	60	50	20	15	55	60
2023	65	35/57	65	60	30	20	60	65
2024	70	40/60	65	65	40	20	60	65
2025	75	50/65	70	70	50	25	65	70

Waste management strategy in Mures County [14]

## ***Waste Management in Mures County***

In Mures County, waste management is currently carried out according to the “Master Plan for Integrated Waste Management System in Mures County” approved in February 2009 by Mures County Council.

The implementation of the Master Plan is the responsibility of the Intercommunity Development Association Ecolect Mures (ADI Ecolect). The ECOLECT Association was founded in 2008 by the 103 administrative units of the county.

The aim of the association is integrated waste management in the county in accordance with European requirements by:

- ensuring the collection of waste generated by the population;
- separate collection of household waste; providing sufficient capacity for waste sorting and recycling as well as for the treatment and disposal of biodegradable waste.

The mission of the association is to develop the quality of the sanitation service, to achieve and comply with European standards, to develop and implement a common strategy on the efficient operation of the integrated waste management system in the county [14].

The integrated waste management system in Mures County comprises the following basic units: a Mechanical-Biological Station and an Ecological Landfill at Sânpaul and a Sorting, Transfer and Composting Station at Cristești. It also aims to: integrate the existing infrastructure into the system (transfer stations: Bălăușeri, Râci, Târnaveni, Reghin, Acățari), close down unsuitable landfills, organise separate waste collection in both urban and rural areas, organise individual composting in individual households, organise awareness-raising campaigns for local communities, schools, town halls.

## **Conclusions**

In Mures County the situation is similar to the situation in the country and we are not yet even close to the recycling levels we have committed to. At county level there are some concrete results, such as the realisation of an important part of the necessary infrastructure, for example the sorting stations (e.g. Cristești Sorting, Composting and Transfer Station) and the Sânpaul Non-Hazardous Waste Landfill, but in the county we do not have the best waste collection methods.

It has not been possible to effectively establish the lines of recovery of recyclable materials and selective collection leaves much to be desired, in some situations (for example in the city of Tg, Mures) there is no selective collection at the moment. Initiatives have been taken to involve the rural population in the practice of individual composting, but otherwise communication with the population on selective collection is at an elementary level.

In conclusion, we can say that important steps have been taken in creating waste management infrastructure, but these efforts need to be continued and communication with the population needs to be developed according to a well-thought-out strategy that has been tried and tested in countries that are much better at waste management.

## **REFERENCES**

- [1] Bălțeanu D., Șerban Mihaela (2005), *Modificările globale ale mediului. O evaluare interdisciplinară a incertitudinilor*, Editura Coresi, București.
- [2] Ioja C. (2013), *Metode de evaluare și cercetare a mediului*, Editura Etnologică, București
- [3] Negrei C. and Istudor N. (2018), Circular Economy – Between Theory and Practice. *Amfiteatru Economic*, 20(48), pp. 498-509
- [4] MacArthur E. (2012), *Towards the Circular Economy*. [online] Available at: <[http:// www.ellenmacarthurfoundation.org](http://www.ellenmacarthurfoundation.org)> [Accessed 10 December 2022].

- [5] Pălărie Laura L. Chirigiu, Noțiuni de gestionarea deșeurilor și chimia materialelor, Editura Universitaria Craiova, 2016
- [6] Țutuianu O. (2006), Evaluarea și raportarea performanței de mediu. Indicatorii de mediu, Ed. AGIR, București
- [7] <https://www.europarl.europa.eu/news/ro/headlines/priorities/economia-circulara/20181116STO19217/microplasticele-surse-efecte-si-solutii>
- [8] <https://news.un.org/en/story/2017/02/552052-turn-tide-plastic-urges-un-microplastics-seas-now-outnumber-stars-our-galaxy>
- [9] <https://www.eea.europa.eu/publications/textiles-in-europes-circular-economy>
- [10] <https://europa.eu/eurobarometer/surveys/detail/2273>
- [11] <https://www.europarl.europa.eu/news/ro/headlines/society/20200519STO79425/construirea-unui-sistem-alimentar-sustenabil-strategia-ue>
- [12] <https://www.europarl.europa.eu/news/ro/headlines/society/20201208STO93325/deseurile-electronice-in-ue-date-si-cifre-infografic>
- [13] <https://www.europarl.europa.eu/news/ro/headlines/society/20180328STO00751/gestionarea-deseurilor-in-ue-infografic-continand-informatii-si-cifre>
- [14] <https://www.adiecolectms.ro>
- [15] [https://ec.europa.eu/environment/basics/green-economy/managing-waste/index\\_ro.htm](https://ec.europa.eu/environment/basics/green-economy/managing-waste/index_ro.htm)
- [16] [https://environment.ec.europa.eu/topics/waste-and-recycling/waste-framework-directive\\_en](https://environment.ec.europa.eu/topics/waste-and-recycling/waste-framework-directive_en)

# Gil's Pothole - Speleogenesis and Geomorphology

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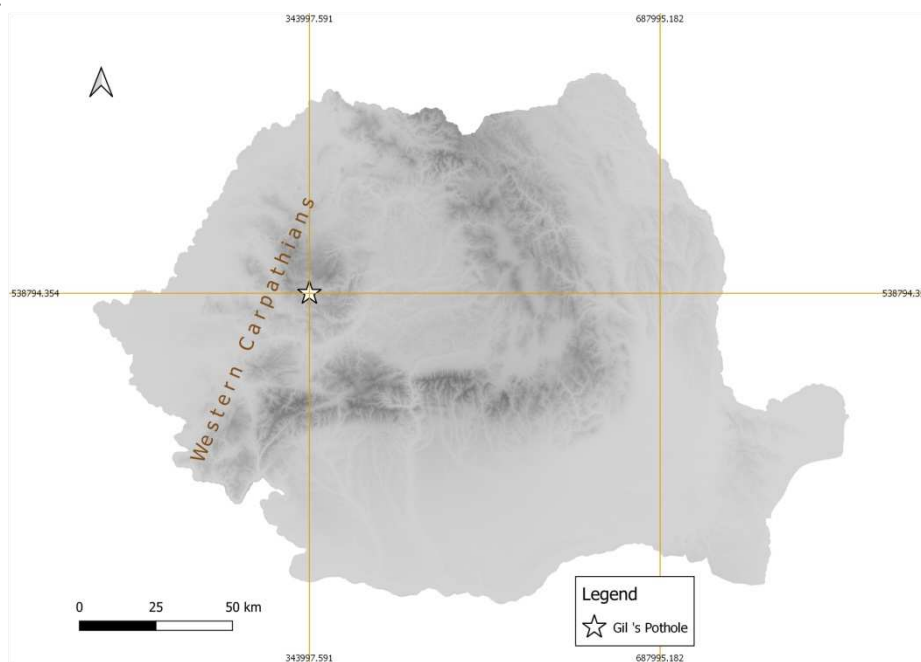
## Abstract

This paper presents the results of the most recent explorations carried out in Gil's Pothole, a cave in Poieni Plateau, Metaliferi Mountains, Western Carpathians, Romania. Its speleogenesis reveal the effect of hydrogeological settings on Bârlogului carbonate aquifer. The hydraulic gradient between input and output controls explained the development in depth of the penetrable cave passages - 71.5 m. Gil's Pothole represents the development of a drawdown and invasion types of vadose cave with numerous evidence of such geomorphology: vadose potholes and shafts, canyon like cross-sections, mud and clay deposits. Natural collapses of an ancient entrance open the cave network for exploration in 2019. In relation to external topography, the linear passage of the main underground passage represents an under-drain valley or valley flank. For the moment, the total length of the mapped cave rich at 323.4 m and a volume equivalent to 12592 m<sup>3</sup>. According to all data collected from de field yet have been discovered just one third of the total length of the explorative potential. Furthermore, water tracer tests must be done to establish connections between underground river from Gil's Pothole and Bârlogului karst spring.

*Keywords: karst aquifer, cave passages, speleogenesis, geomorphology, hydrogeological settings, vadose cave*

## Introduction

Gil's Pothole is located in Western Carpathians, Metaliferi Mountains, Poieni Plateau (Figure 1).



**Fig. 1.** Gil's Pothole location in Stereo 70 coordinates

The Poieni Plateau represents the largest area (45.5 km<sup>2</sup>) of crystalline limestone outcrop in the Metaliferi Mountains [2] (Figure 2).

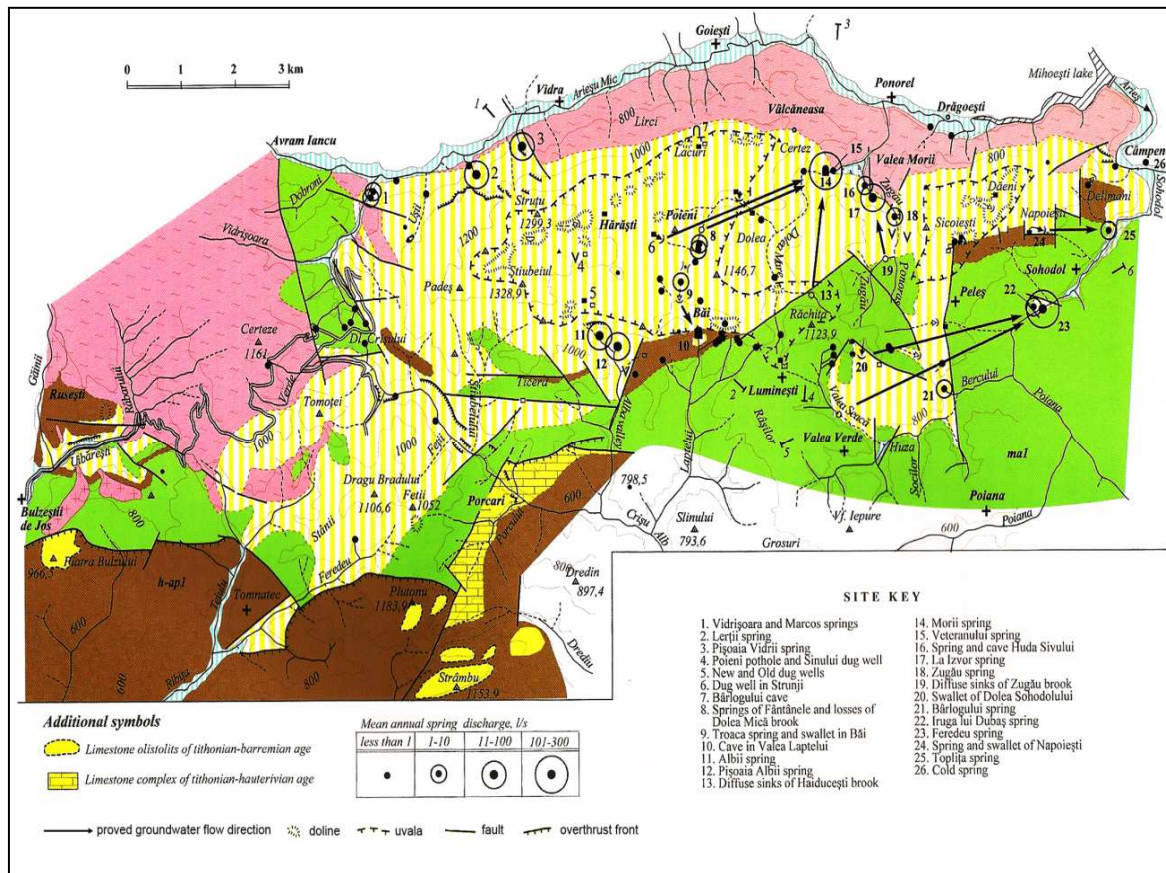


Fig. 2. Hydrogeology of Poieni Plateau [2]

The exo-karst forms show a pronounced development in the southeast of the Poieni Plateau, where Paleozoic crystalline limestone outcrop on a large surface, especially in Dealul Arsurilor. A narrow strip of limestone also extends to the north of Dealul Arsurilor, merging with the much more extensive carbonate mass from the Sicoiești - Dăieni depression.

## Methodology

The topographic surveys from underground were based on the use of DistoX device, a modified Leica Disto X310 laser meter, in which a kit was modified in addition to the distance measurements. Thus we gained the possibility to record magnetic declination, slope and transmitting the measured data via Bluetooth to a receiving device, such as a tablet or phone. The improved kit consists of a PCB (Printed Circuit Board) on which SMD (surface-mounted device) components have been mounted. The internal storage capacity has been increased to 1000 measurements. The basic laser meter, the Leica Disto X310, provided a waterproof and robust housing, necessary in the underground environment.

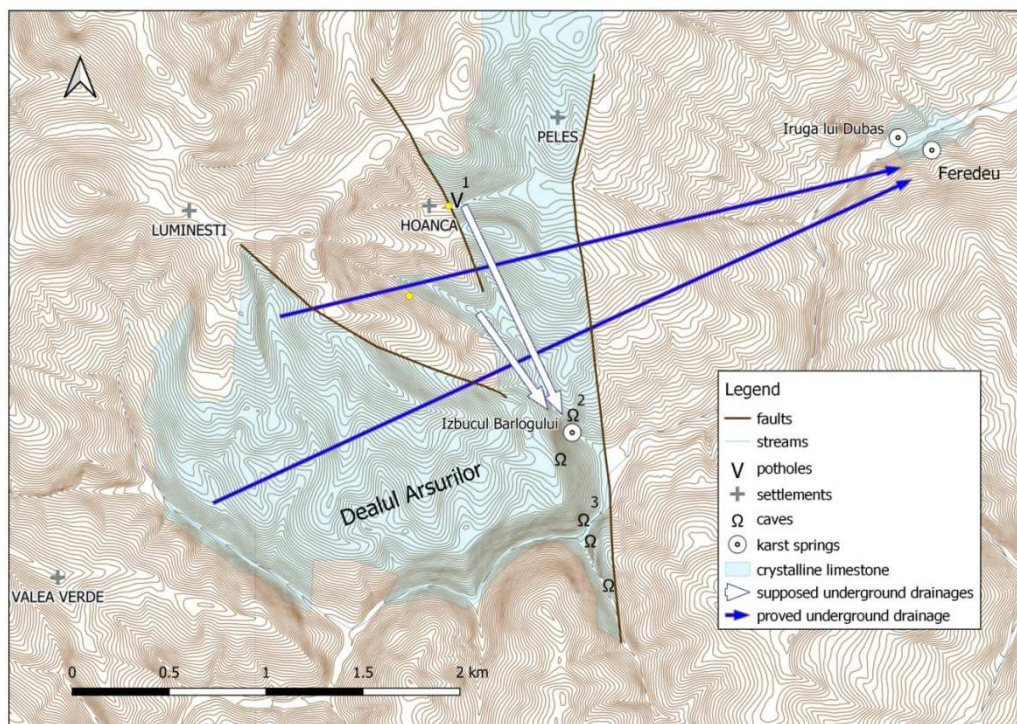
The device was used in tandem with a phone (uleFone Armor 7 with Android system). Two applications were installed: TopoDroid and Cave3D. Using this tandem we gained the possibilities to enabled measurements and data storage on the DistoX, as well as Bluetooth transmission of the data. Initial on-site cave map drawing became possible. The map was saved as an image in .png format, later transferred and georeferenced in local coordinates using QGIS version 3.12.2-București cartographic software.



The speleological surveys were based on the hydro geological data contained in Karst Hydrogeology of Romania - 2010 [2], the Systematic Catalogue of Caves in Romania - 1982 [3] and the information provided by the locals.

### Speleogenesis

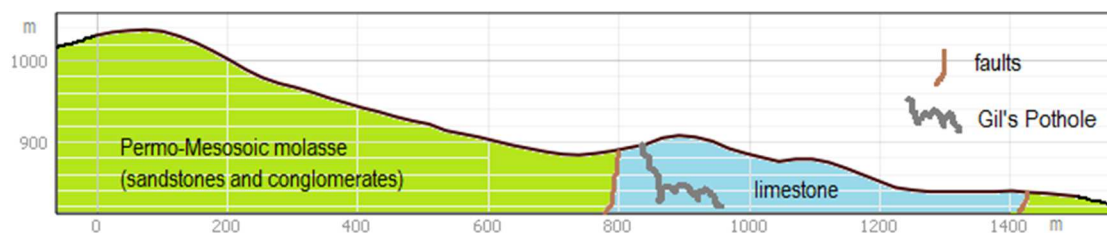
Gil's pothole is located apparently within the Feredeou karst system. The supply of the system is done mainly through the losses (sinking and losing streams) from Valea Seacă, and Zehești and the discharge thru the springs of Feredeou. The connections were demonstrated by tracer markings with In-EDTA [4] (Figure 3).



**Fig. 3.** Hydrogeological settings for karstification in Feredeou karst system  
1. Gil's Pothole; 2. Barlogului Spring Cave; 3. Centenar Cave

From empirical observations, provided by local residents, the losses from Hoancă and Troaca Dealului feed Bârlogului karst spring, which overlay Feredeou karst system.

Its spelogenesis reveal the effect of hydrogeological settings on Bârlogului carbonate aquifer. The hydraulic gradient between input and output controls explained the development in depth of the penetrable cave passages - 71.5 m. The recharge of Bârlogului hydro karst system is provided by an allogenic stream - Pârâul Rece - that crosses a faulted contact with impervious rocks - Permo-Mesozoic sandstones (Figure 4).

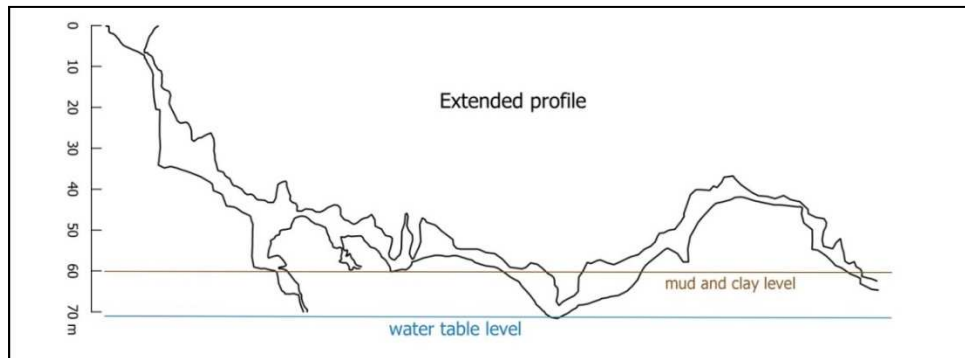


**Fig. 4.** Geological settings for Gil's Pothole speleogenesis

At the contact between permeable and impervious deposits, the allogenic stream is lost completely thru an open shaft, either through diffuse losses in the riverbed, downstream.

The characteristics of water from allogenic recharge sources can vary depending on conditions upstream, but this water generally has lower electrical conductivity and lower pH values compared to water that has flowed through a karst system [7]. In this case, allogenic water is very aggressive because it came from a non-karst wetland. It is known that wetlands or bogs have extremely strong acid reactions (low pH) because decomposition happens so slowly. This is the only way to justify the impressive volume of the underground voids of Gil's Pothole, developed in Paleozoic crystalline limestone.

Major downstream faults, which separate the limestone block from Senonian sandstone, give a medium piezo surface between -71.5 m and -72 m and also an erosional base level for karstification (Figure 5).



**Fig. 5.** Gil's Pothole extended profile and the epiphreatic zone marked by the two straight lines

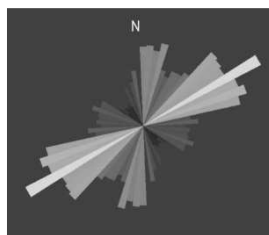
The piezo surface was identified due to the underground expeditions carried out in the period 2019-2022. According to all data collected from de field yet have been discovered just one third of the total length of the explorative potential. Furthermore, water tracer tests must be done to establish connections between underground river from Gil's Pothole and Bârlogului karst spring.

### Geomorphology

The pattern that the passages form, the morphology or shape that they take and the sediments and features they contain, reflect the lithologic, structural, and hydrologic conditions within the karst aquifer [5].

Gil's Pothole represents the development of a drawdown and invasion types of vadose cave with numerous evidence of such geomorphology: potholes and shafts, canyon like cross-sections, gravel, mud and clay deposits. In relation to external topography, the linear passage of the main underground way represents an under drain valley or valley flank.

The orientations of this single-passage cave follow the fractures in the bedrock, mainly on VSV-ENE direction as shown in Figure 6.



**Fig. 6.** Rose diagram of cave passages orientation

The largest passages are found between 30 and 60 m deep, form when the erosional base level was relatively static. Once the erosional base level decreased, the pre-existing galleries developed incisions in the floor to drain the water to the descending water table, resulting typically keyhole passage shapes (Figure 7).

Maze development occurs where allogenic flash flooding invades karst and/or where a trunk passage with large carrying capacity becomes obstructed by clastic or organic debris [6].

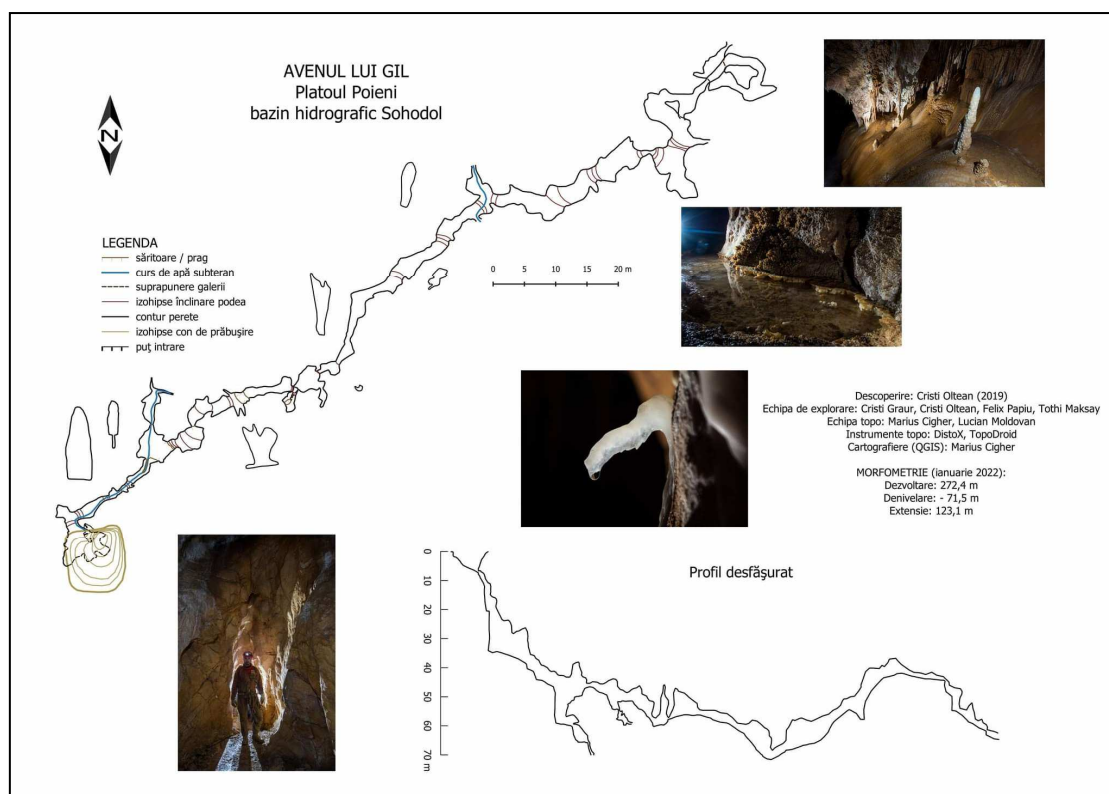


Fig. 7. Gil's Pothole plan view and extended profile

The repeated underground floods are reflected in large deposits of clay and mud or other poorly soluble materials which can armor passage floor. In consequence, downward erosion is blocked. However, the galleries can be widened above this level by paragenesis.

On small sectors, anastomotic mazes can be intercepted with important mineral deposits in the form of classic speleothems and eccentrics.

## Conclusions

By now, Gil's Pothole represents the most important cavity from Poini Plateu formed along a lithological contact. Rece stream crosses a faulted contact with impervious rocks and sinking entirely through an open shaft. The astonishing void volume -  $12.592 \text{ m}^3$  - is made by aggressive flood waters, with a very low PH value. Debris like gravel, cobbles, boulders, can be swept underground by this sinking stream. Some underground features resembling normal surface landforms such as alluvial bars and stream meanders which can be formed within flood-route. This transported sedimentary load exerts a mechanical abrasion (erosion) along with the corrosional enlargement of passages.

According to all data collected from de field yet have been discovered just one third of the total length of the explorative potential. Furthermore, water tracer tests must be done to establish connections between underground river from Gil's Pothole and Bârlogului karst spring.

## REFERENCES

- [1] Orășeanu I. (2016), *Hidrogeologia carstului din Munții Apuseni*, Editura Belvedere, Oradea, 300p
- [2] Orășeanu I., Iurkiewicz A., ed (2010), *Karst hydrogeology of Romania*, Editura Belvedere, Oradea
- [3] Goran C. (1982), *Catalogul sistematic al peșterilor din România*, Editura C.N.E.F.S., București, 496p
- [4] Orășeanu I. (2000), *Contributions to the Poieni Plateau hydrogeology investigation (Metaliferi Mountains, Romania)*, *Theoretical and Applied Karstology*, 11-12, pp 149- 157, București
- [5] Veni G. (2005), *Passages*, *Encyclopedia of Caves*, pp 436-440, Elsevier Academic Press, Burlington, MA 01803, USA
- [6] Ford D., Williams P., (2007), *Karst Hydrogeology and Geomorphology*, John Wiley & Sons, Chichester, West Sussex, UK
- [7] Stokes T.R., Griffiths P.A., and Ramsey C., (2010), *Geomorphology, hydrology and management of karst landscapes in British Columbia*, in Pike R.G., Redding T.E., Moore R.D., Winkler R.D., and Bladon K.D., eds., *Compendium of Forest Hydrology and Geomorphology in British Columbia: British Columbia Ministry of Forests and Range, Handbook 66, Kamloops, BC, p. 373–400*

# Hydro-Tourism Related to Karst Systems from Middle and Upper Arieş Catchment Basin, Romania

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## Abstract

The carbonate areas dating from the Mesozoic and Paleozoic age are well represented, four entities being outlined: the interfluvies Gârda Seacă – Ordâncuşa (Ocoale - Scărişoara Plateau), Poieni Plateau, Vulturese and Bedeleului massifs. The largest is located in the limestone section of the Garda Seaca River, opposite being the area of crystalline limestone of the Vulturese Peak. The most extensive subsurface karst phenomenon (host of underground water resources) and carbonate deposits have developed in the Mesozoic (Triassic and Jurassic especially), easier soluble (by a high  $\text{CaCO}_3$  content) than the Paleozoic deposits composed of crystalline limestone (partially re-crystallized). However, due to increase of cracks from these crystalline limestones, karst processes are widespread in the Poieni Plateau, proof being the numerous springs in the surrounding area. Among the categories that have been hydrological analyzed (springs, lakes, rivers and the underground ice) they are all equally highlighting the tourist potential of the Arieş basin (following the evaluation method of tourism potential). Relevant aspects can be distinguished: vaclusian and intermittent springs (simple intermittence), extensive underground lakes – really large underground seas, tumultuous underground rivers - with spectacular morphological features, perennial ice deposits - real paleoclimatic and paleomedium archive for the Quaternary era.

*Keywords: hydro-tourism, carbonate areas, tourist potential, water resources, karst*

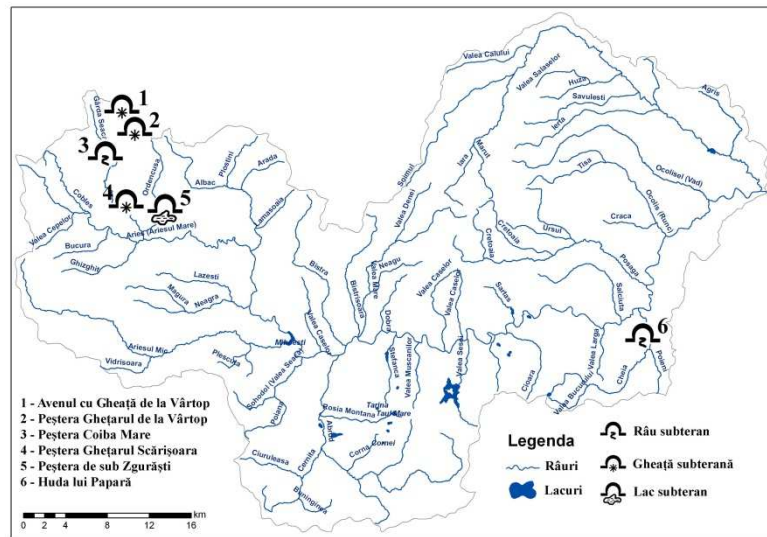
## Introduction

The main groundwater bodies related to analyzed area are: Gârda Seacă – Bihorului Mountains, Poieni - Metaliferi Mountains, Abrud - Metaliferi Mountains, Brădeşti – Trascău Mountains, Vulturese – Muntele Mare Massif, floodplains and terraces of Arieş, Iara and Ocolişel. In the Arieş hydro basin representative are the karst springs, like outlets category, fewer in number are emerges. The last are “burst” of water that circulated under pressure (through cracks) and are characterized by highly variable flow that can achieve significant values. A single case is known within the studied basin, emerge type with intermittent flow, on simple siphon principle: Bujor ebb and flow spring (located immediately downstream of Poşaga Gorges, in Muntele Mare Massif). Here, the operation is based on the principle of communicating vessels. Local geological conditions, climate, hydrology, vegetation and soils, as well as the time factor occurred in the outline of underground drainage systems of storm water. The most important movement is performed in carbonate rocks (limestone and dolomite), a large porosity, structure, texture and soluble material ( $\text{CaCO}_3$ ) that characterize them, allowing the formation of karst aquifers, hydrodynamic systems in different evolutionary stages.

Edification of major hydro karst systems in the Arieș water catchment area determined creation of underground cavities housing water bodies of underground rivers and lakes category.

Among them are detached the systems from sub-basins Gârda Seacă (Coibe – Tăuz, Zgurăști – Poarta lui Ioanele) and Cheia (Vânățara – Huda lui Papară Cave).

The presence of underground lakes in the area of Arieș basin links to the existence of important hydro karst systems. Most important regarding the presence of water retention as underground lakes is the hydro karst system Zgurăști (Fig. 1).



**Fig. 1.** Repartition map of hydro resources from the karst systems related to middle and upper Arieș catchment basin

Essential condition for the appearance of ice deposits is the existence of negative temperatures needed for the process of freezing water and sublimation of water vapor in the cave atmosphere. During cold season, such topoclimate conditions can be achieved in entrance zone of the cavities in the area of so-called microclimate of disturbance, where ice speleothems are formed, with temporarily character.

Particular case is the permanent storage of ice, accumulations that can reach impressive volumes (75000 mc ice block from Scărișoara Glacier Cave). The main issues raised by the presence of these formations have focused their genesis, paleoclimatic information held in ice mass, analysis of plant and animal remains to reveal the defining features of Quaternary paleomedium. Conditions for the emergence of this true “glacial” topoclimate also meet in other cavities in the area of Arieș basin: Ice Pothole from Vârtoș and Ghețarul de la Vârtoș Cave.

### The Tourist Potential of Underground Waters

Underground waters have a great tourist potential sustained mainly by their physic-chemical particularities, their suitability to be used water supplies for habitats, to be exploited in treating various medical affections etc.

In the Arieș water catchment area one can find karst springs, part of the outlets waters category, fewer in number being also emerges. The later are `bursts` of the water that circulated in a drowned state (through crevices) and are characterized by extremely variable flows which can attain high water marks. On the territory of the basin under study there is one case of such spring, of type with alternative streaming regime, with simple aeration: Bujor Ebb and flow

spring (situated immediately downstream of Poșaga Gorges, Muntele Mare Massif). Here, its functioning is based on the principle of communicating vessels.

As peculiarity and without a scientific explanation regarding the water temperature there is the resurgence situated in Gârda Seacă meadow, on its right shore, in the vicinity of the intermittent spring from Cotețul Dobreștilor. According to the hydrological studies carried on by Iancu Orășeanu (1996), this spring is sub thermal, recording temperatures of +17°C. More curiously is the fact that karst drainages close by, such as Cotețul Dobreștilor and Morii Spring, have normal temperatures for these areas: +8°C (Table 1).

**Table 1.** Springs from Arieș catchment area

Nr. crt.	Spring	Location		Hydro typology	Special mentions
		Massif	Catchment basin		
1.	Gura Apei spring	Bihor Mountains	Gârda Seacă	resurgence	Source of Gârda Seacă stream
2.	Tăuz spring	Bihor Mountains	Gârda Seacă	resurgence	500 l/s annual mean discharge; vaucclusian
3.	Cotețul Dobreștilor spring	Bihor Mountains	Gârda Seacă	resurgence	vaucclusian
4.	Cald (Feredeude) spring	Bihor Mountains	Gârda Seacă	emerge	+17° C
5.	Vulturului spring	Bihor Mountains	Gârda Seacă	resurgence	
6.	Morii spring	Bihor Mountains	Gârda Seacă	resurgence	Ocoale karst system
7.	Valea Cerbului spring	Metaliferi Mountains	Abrud	outlet	
8.	Valea Dolii (Morii) spring	Metaliferi Mountains	Pleșcuța	resurgence	drinkable
9.	Feredeude spring	Muntele Mare – Gilău	Poșaga	outlet	
10.	Bujor spring	Muntele Mare – Gilău	Poșaga	outlet	Ebb and flow spring
11.	Șipote spring	Trascău Mountains	Arieș basin	outlet	

Through these two hydro entities, the subsurface domain gives shape to the tourist offer of Aries River basin. The morphometric, morphologic, quantitative, qualitative, dynamical and biotic indicators offer, as in the case of surface waters, valuable and needful instruments in order to characterize and evaluate (for a possible tourist exploitation) the subsurface rivers and lakes.

The investigation of these resources had as scope the identification of hydro karst systems that are developed enough to be able to host such resources. Thus, the most relevant subsurface rivers and lakes can be found in hydro karst systems Vânățara - Huda lui Păpără, Coibe – Tăuz, Ocoale – Cotețul Dobreștilor și Zgurăști – Poarta lui Ioanele.

By analyzing the hydro karst systems there have been identified more subsurface rivers partially or totally accessible through their network of excavations: Bulz underground river

(Huda lui Păpară), Coiba (Coiba Mica - Coiba Mare), Activul de Vest (Hoanca Apei Cave), Dârninii (Dârninii Cave), Șesuri (Șesuri Pothole) and Huda Orbului (Huda Orbului Cave).

Personal analysis focused on the Bulz underground stream of Huda lui Păpară and Zgurăști Lake located at the entrance zone of Ghețarul de sub Zgurăști Cave. For this approach were drawn maps from surveying (Fig. 2.).

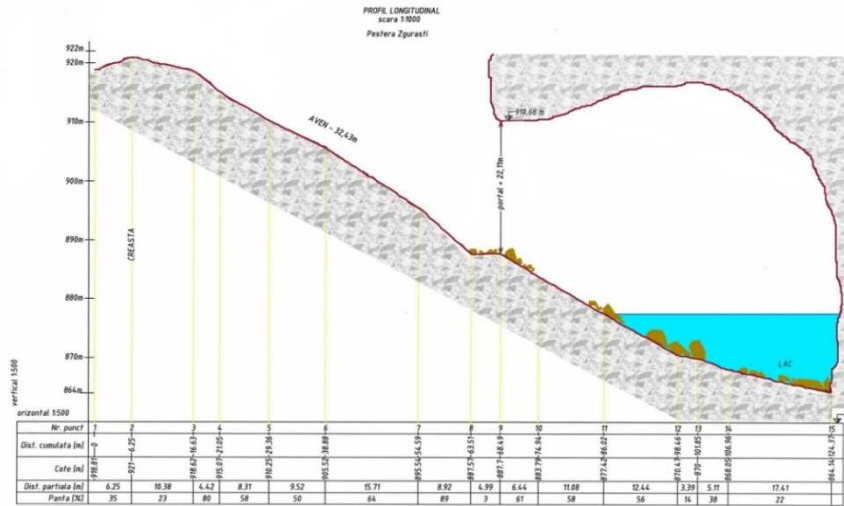


Fig. 2. Lake from Zgurăști Cave

Topographic measurements made with the total station allowed drawing a map of the Bulz underground course of Huda lui Păpară (a length of 986.57 m), capturing the most relevant morphological and morphometric features (Fig. 3.).

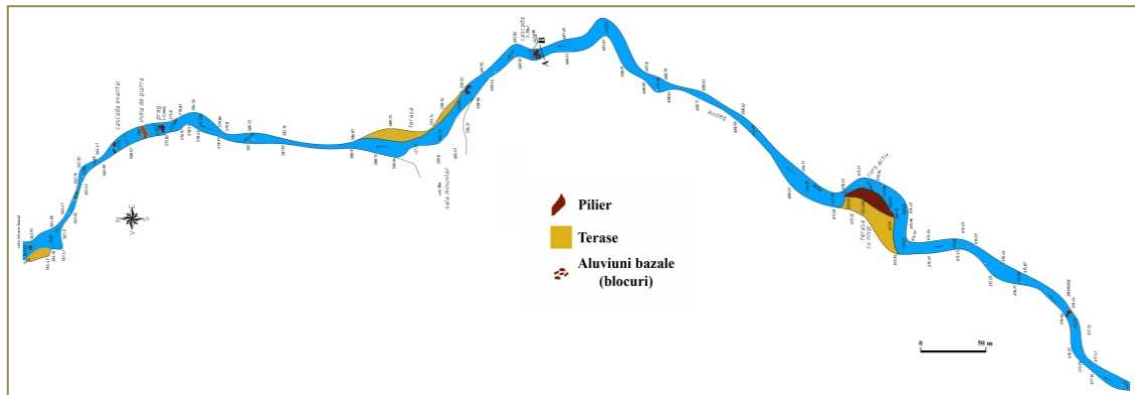


Fig. 3. Map of Bulz underground stream from Huda lui Păpară

The tourist potential of subsurface lakes is given essentially by their original placement. Their charm is heightened by the morphology of the cave system and also by their own valences: an accentuated transparency of water. Tourism for leisure represented by navigation and the polyvalent one (scientific research and exploitation) `vindicate` the exploitation of these natural resources.

The largest subsurface lakes are located in caves from Gârda Seacă basin: Ghețarul de sub Zgurăști, Hoanca Apei, Huda Oilor, Coiba Mare.

Ice formations can take shape in the entrance zone of any cave in the area under analysis as long as there is a continuous source of water (percolating water) and the temperatures are below freezing point, the so-called percolating microclimate. The density, extensiveness and typological diversity are exceptional in three caves: Ghețarul Scărișoara Cave, Ghețarul de la Vârtop Cave (also named Wondrous Cave) and Ice Pothole from Vârtop (Table 2.).



**Table 2.** Tourism potential of caves with ice deposits from Arieş water catchment area, upstream of Buru (Gârda Seacă)

Cave	Location	Ice deposits		
		Speleothems		Ice blocks
		dripping water	gravitational trickle	
Gheţarul Scărişoara Cave	Bihor Mountains – Ocoale-Scărişoara	x x x	x x	x x x
Gheţarul de la Vârtop Cave	Bihor Mountains – Vârtopaş Massif	x x	x x x	x
Ice Pothole from Vârtop	Bihor Mountains – Vârtopaş Massif	x	-	x x

x x x – great potential; x x – important potential; x – limited potential

The characteristics of ice formations depend on the specifics of each cave: elevation of the entrance, slope exposition, dimension of cave network, unevenness, micro-crevices of limestone deposits, underground morphology. According to these agents the morphometric and morphologic elements of ice formations present a great diversity leading to a various type of tourist potential. The identification of hydro tourist potential of the rivers' network, is based on a set of indicators – morphometric, morphologic, quantity and quality, dynamicity, biotic – which define the tourist potential of different river sectors. Quantification of these parameters will offer the possibility to shape the areas with hydro-tourist potential relevant for the whole network of rivers from Arieş river basin.

### Types, Forms and Tourist Activities Induced by Underground Waters

The groundwater resources include the normal and deep aquifers or a particular form of these: the subterranean rivers and lakes. These aquifers are discharged by springs whose physical-chemical properties can offer many usage possibilities. As a spectacular and particular form, we remind the perennial ice accumulation from some caves of the Arieş basin, upstream from Buru. However, due to the difficult access to touristic enhance, by positioning them underground, the normal aquifers offer few opportunities. If the therapeutically value of the mineralization is proven, the curative tourism can be practiced either through technological aid (drilling) or through natural springs adjoining touristic structures. The types of tourism resulted from these resources cover the whole typological spectrum: recreation and leisure, curative and polyvalent. The caves from Arieş basin offer a large number of recreation and leisure activities: cave-diving, cave-tubing, cave river trekking, swimming (free or in apnea), etc.

### Possibilities to Exploit the Hydro-Tourist Potential of Underground Water Resources

To classify the underground river for cave river trekking practice were analyzed the values of hydro tourist indicators, the most relevant being the morphometric, morphological and quantitative indicators.

According to the classification system proposed for underground courses in the preceding section, the river from Huda lui Papară cave is coded as 3 RC III for cave river trekking, the other form - cave tubing – being recommended on quasi-horizontal sectors (Fig. 4.).

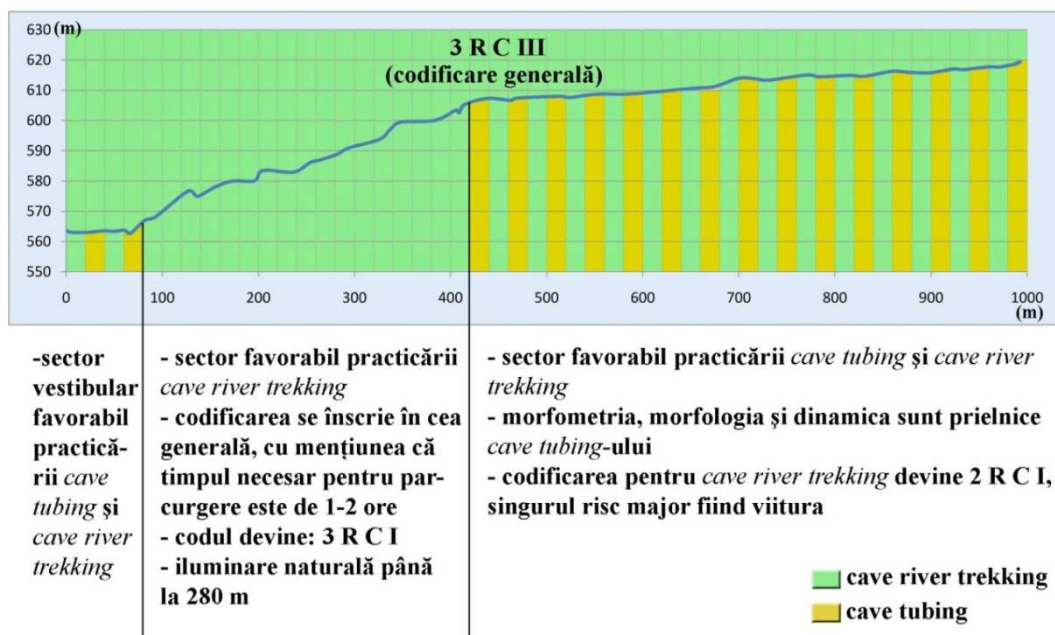


Fig. 4. Coding of underground stream from Huda lui Papară Cave for practice of cave river trekking and cave tubing

The tourism practiced on such underground courses is rather selective and falls under the polyvalent with its specific forms – expeditions and explorations, scientific -, but also has recreational and leisure connotations. For possible valorization of hydro tourist potential of underground river of Huda lui Papară Cave is proposed underground trekking (trekking river), a form that combines the techniques TSA, canyoning, swimming or covering the quasi-horizontal sectors of the cave, all under speleological spectrum.

Thanks to unusual location and that is at maximum level, the largest underground lake in the country, its touristic valorization would complete the offer, however valuable, of the Gârda Seacă water catchment area: Ghețarul Scărișoara Cave, Poarta lui Ioanele Cave, Pojarul Poliței Cave, Tăuz Spring, Cotețul Dobreștilor Spring, Ghețarul de la Vârtop Cave, Coiba Mare Cave, etc.

The main tourist activity you can develop on Zgurăști Lake belongs to the sphere of recreational and leisure tourism: navigation with light boats, inflatable. The charm of these activities is enhanced by the grandeur of the Entrance Hall – pothole entrance – fog produced by air ionization found at the entrance of pothole, underground morphology.

## Conclusions

The extended carbonate areas have led to the appearance of ample hydro karst systems thus favoring the appearance of some underground water formations which thanks to their accessibility can be analyzed from a tourist point of view. To this criteria those of morphological, morphometric, quantitative and qualitative nature can be added all of them being included in the category of the hydro-tourist indicators.

The nature had curious manifestations: hydrogeology (intermittent, sub-thermal and vaclusian springs), hydrologic (the largest underground lakes in Romania, underground courses that are 1000 m long), glaciological (perennial ice deposits). Although it is an unnatural attribute of the Romanian landscape, the perennial ice meets favorable conditions for multiannual accumulation and perpetuation due to a combination of morphological and micro-climate features of several cavities, some found on the analyzed territory: Scărișoara Glacier and Vârtop ice pothole. By their mere existence the fossil glaciers become an objective of high

interest for the visitors of those caves. In addition to these elements, the underground ice, through its physiognomy and way of accumulation, is indeed a unique tourist attraction factor.

According to the analysis of the hydro-tourist indicators for taxonomic sub-basin units, the assessment allowed the identification of some areas with a special tourist potential (Gârda Seaca sub-basin), medium (Cheia sub-basin) and limited (Șipote, Poșaga, Valea Cerbului and Morilor Valley sub-basins).

To exploit the opportunities given by the hydro-tourist potential, some original objectives have been set: Bulz underground stream (Huda lui Papară), Zgurăști Lake (Ghețarul de sub Zgurăști Cave) and Vânățara waterfall (Trascău Mountains).

## REFERENCES

- [1] Orășeanu I., (2016), *Hidrogeologia carstului din Munții Apuseni*, Editura Belvedere, Oradea, 300p
- [2] Orășeanu I., Iurkiewicz A., ed (2010), *Karst hydrogeology of Romania*, Editura Belvedere, Oradea
- [3] Cigher M., (2013), *Resursele de apă și turismul în bazinul hidrografic al Arieșului, amonte Buru*, Editura Casa Cărții de Știință, Cluj-Napoca, ISBN 978-606-17-0350-0, (200 p.)
- [4] Băținaș R., Sorocovschi V., (2009), *Types, forms and touristic activities related to underground waters*, în vol. “Dimensions of change at the beginning of the XXI st century”, Dimitrie Cantemir University, Târgu Mureș, Romania, Editura Risoprint, Cluj - Napoca
- [5] Băținaș R., Sorocovschi V., (2011), *Resurse de apă. Potențial și valorificare turistică*, Editura Presa Universitară Clujeană, Cluj – Napoca
- [6] Cocean P, (2000), *Munții Apuseni. Procese și forme carstice*, Editura Academiei Române, București
- [7] Pop Gr., (2000), *Carpații și subcarpații României*, Editura Presa Universitară Clujeană, Cluj-Napoca

# Proposals for the Development of Tourism in the Commune of Bahnea

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## Abstract

A presentation of the current tourism situation and some proposals for capitalizing and developing the commune from a tourism perspective. These possible actions and projects will have both short-term and long-term effects, all in an attempt to exploit the tourist potential of the commune as optimally as possible.

*Keywords: tourism, touristic potential, development, proposals, perspectives*

## The Tourism in Bahnea Commune

In the commune of Bahnea there is only one accommodation unit, namely the “Valea Verde Resort” Guesthouse in the village of Cund. It has accommodation rooms, an outdoor swimming pool, a playground, a bicycle rental centre, a restaurant and a bar. For the delight of tourists, there are also horse-riding sessions, and hiking in the forest, they can even witness truffle hunting with specialized dogs, they can shoot archery, or they can even train in the guesthouse, which also has a fitness room.

The guesthouse consists of apartments proper, but there is the possibility of accommodation for guests in one of the 21 apartments that are located in the village in various Saxon buildings. [8]

National Institute of Statistics data shows these spaces can accommodate more than 10,000 tourists annually. The tourist accommodation capacity represents the number of places that are made available to tourists, and to the accommodation units, but also considers the number of days in which the respective units are open. This statistic is expressed in room days and excludes rooms or accommodation units temporarily closed due to a lack of tourists, renovations, or other reasons. [10]

The year in which the record number of tourists was registered was 2017, when a number of 1,934 tourists, both Romanian and foreign, were registered, a number approximately 3 times higher than in 2016 and double compared to 2015 and refers to the number of tourists staying in a touristic establishment, regardless of nationality, who travel outside the areas where they have permanent residence and stay there for at least one night. [10]

Tourists, as can be seen below, spent a total of 3,693 nights in the locality, which results in an average of 1.9 nights/per tourist. This value demonstrates that the destination is sought after especially for weekend tourism.

## **Touristic Development Proposals**

Within the commune of Bahnea, mainly, there are 3 distinct areas where the implementation of urban rehabilitation strategies and operations is required:

1. The historical area is in decay
2. The destructured urban area
3. Collective housing area

Analysing the existing situation, highlights, in addition to complex dysfunctions in these areas, a high potential for their exploitation. Setting strategic objectives and developing action programs with the aim of urban revitalization, rehabilitation, and reconstruction of these areas. The specific character of the area that makes it stand out is the value resulting from the architectural reserve because it must be preserved and promoted for the development of the commune in order to achieve links between tourism, traditional activities, heritage conservation, art, natural resources and elements of interest for the creation of some strong partnerships to conserve, develop and promote these resources.

To succeed in a development plan from a tourism point of view, we need a development objective from a general urban planning point of view in the commune that provides for the following proposals:

1. The commune should have basic public services for all citizens - The inhabitants of the commune should have access to the range of public services necessary for a qualitative standard of living like that in the urban environment (centralized drinking water supply and sewage system, natural gas in all villages in the commune, modernized public lighting, video monitoring system in all public spaces, modernized dispensary, playgrounds, and green spaces, etc.)

2. More developed transport infrastructure, useful for both residents and tourists - The county road and local roads connecting the villages should be renovated. and sidewalks and pedestrian walkways rehabilitated. It would also be necessary to identify the lands and regulate them in the urban plan to attract investors.

3. Effective local public administration - strengthening the function of planning and management of investment projects and submitting several projects with the request for state support for expenses. [5]

4. Creation of a tourist information centre - the commune is a destination that wants to increase the number of tourists but cannot permanently afford tourism promotion campaigns, they can ensure a minimum of permanent visibility by creating a tourist information centre. [1] The transmission of information about the touristic sights in the commune as well as in the area can form the basis of the knowledge of the destination. The tourist information centre is there to meet potential tourists who want to find out more information and recommendations and even purchase services. [2] The centre's participation in fairs where both tourist attractions and local tourist services can be promoted would contribute to the development of tourism [6]

5. The rehabilitation of Bethlen Castle is ongoing. The castle with a total area of 2.38 square meters, which includes the castle, the fountain with the two lions carved in stone and the park. The start of the renovation project is auspicious, as the last thorough rehabilitation took place in 1981. The project wants to expose the value and authentic character of the building, to add value to the native architecture of the respective era and thus make a valuable contribution to the enrichment tourist heritage in the region.

The main objective is the complete restoration of the ensemble, using only methods and materials that preserve its appearance, thus an exemplary collaboration between designers and executors is needed. The foundation that deals with the rehabilitation also attaches great importance to the economic development that comes with the restoration, namely the benefit to

the local community and the region in a wider sense by increasing the number of tourists after the works are completed, this also means the cultural development of the region. [4]

Currently, the restoration project of the castle has been started (by the company “Multiinvest”), financially supported by the “Bethlen” foundation, a project that aims to rebuild the wall with the 5 bastions, the development of the park and the lakes surrounding the castle and near the castle, the construction of a 4–5-star hotel (8 apartments) and the setting up of an outdoor amphitheatre. The work was requested by the Reformed Diocese of Transylvania. [3]

Access to the castle is via the main avenue, which, in the future, will also include parking spaces and a building where tourists will find souvenirs to remind them of their visit to Bethlen Castle.[4]

## Conclusion

Overcoming these limits, involving long-term efforts, namely the recruitment and training of new civil servants focused on the tourism field, the increase of revenues from own revenues to the local budget, the development of projects for receiving funds and the search for land to use them for investments. In the short term, a temporary solution that can be adopted is external consultancy specialized in the field of tourism, namely attracting funds for investment projects. [5]

Also, the exchange of practice with local administrative units that have faced the same limitation, can represent a vital source of information to overcome this barrier. Such a partnership in the exchange of information can be achieved within the associative structures of which the commune is already a part, namely the “GAL Podișul Târnavelor” project (GAL - Local Action Group). [7]

The recommendation is to strengthen the project preparation and implementation function, with the aim of attracting as many European funds and the state budget as possible, to develop the source with the greatest economic potential in the locality, namely, tourism.

## REFERENCES

- [1] Boiță M., Ardelean D., & Haiduc C. (2012). *Conceptul de Promovare în Turism*. Arad: Universitatea de Vest Vasile Goldiș din Arad.
- [2] Cașovschi C., Bahre H., Hildebrandt W., & Maurin M. (2016). *Centrele de Informare Turistică*. București: Editura Didactică și Pedagogică.
- [3] Coaliția Castel. (2022, 05 30). *Castel în Transilvania*. Preluat de pe Castelul Bethlen, Bahnea: <http://coalitie.castelintransilvania.ro/castle/bethlen-kastely-bonyha/>
- [4] Constandachi I. A. (2018). *Restaurarea Castelului Bethlen – Comuna Bahnea, Județul Mureș*. Bahnea.
- [5] Cristea E. M., Piticar G. A., Roman G. D., Podaru I. A., & Constandachi I. A. (2018). *Strategia De Dezvoltare Locală A Comunei Bahnea Pentru Perioada 2019-2027*. Bahnea: Primăria Bahnea.
- [6] Platon N. (2017). Importanța Biroului și a Centrelor de Informare și Promovare Turistică în Dezvoltarea Turismului Receptor. *Economica*, 37-50
- [7] PNDR. (2013). *Plan de Dezvoltare Locală a teritoriului Podișul Târnavelor*. Podișul Târnavelor.
- [8] Valea Verde Discover Transilvania (2022, 05 25). *Descoperă Valea Verde*. Preluat de pe <https://www.valeaverde.com/>
- [9] <http://statistici.insse.ro>

# **STUDENT PAPERS**

# Tourist Seasonality Indices in Cluj-Napoca and Brasov – Comparative Analysis

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## Abstract

Tourism activity, largely dependent on natural factors, continues to show significant fluctuations over time, with unfavourable influences on business efficiency and consumer satisfaction. The seasonal oscillations of the tourist activities are those determined, in general, by the conditions for achieving the supply-demand balance and are materialized by a high concentration of tourist flows in certain periods of the calendar year, in the others there is a significant reduction or even a stop of tourist arrivals. Starting from this finding and the fact that seasonality produces negative effects in tourism, a comparative analysis between Cluj-Napoca and Brasov are conducted below.

*Keywords: tourist seasonality, indices, tourism, Cluj-Napoca, Brasov*

## Tourist Seasonality Indices

Generally, seasonality is a factor with negative action on the degree of satisfaction of the tourist as well as on the economic and financial results of the economic agents in the touristic activity. Seasonal variations are one of the main features of modern tourism. The characteristics of seasonal variations occur during a calendar year and in the context of a given season, comprising one or more months [1].

For the comparative analysis of seasonality indices, we chose the method of simple arithmetic averages, based on dynamic series on the distribution of the number of tourists (number of arrivals), by quarters, to verify the trend of concentration of the tourist demand. The arrivals of the tourists for the period 2011-2021 were taken from the National Institute of Statistics website, by months, after which the quarterly determinations were made, and the other stages specific to the mention method were conducted. The results are presented in the following two tables:



**Table 1.** Distribution of the tourist arrivals, by quarters, during 2011-2021 in Cluj-Napoca

Distribution of the tourist arrivals, by quarters, during 2011-2021 in Cluj-Napoca											
Quarter /year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
I	4086	4589	5337	48698	53576	68820	88595	89346	88025	62875	41883
II	57984	68021	72971	72875	89046	10173	130048	126118	138655	11391	61439
III	64308	64467	74081	75463	94504	111449	140479	143338	143831	63442	11404
IV	57956	61653	64414	65374	81457	87878	111605	118775	118231	39025	61974
<b>Total</b>	<b>221094</b>	<b>239950</b>	<b>264793</b>	<b>262410</b>	<b>318583</b>	<b>369975</b>	<b>470727</b>	<b>477577</b>	<b>488742</b>	<b>176733</b>	<b>27930</b>
<b>Determination of the quarterly average</b>											
	552,5	599,5	66198,2	65602,5	79645,7	92493,7	117681,7	119394,2	122185,5	44183,25	69830
<b>Determination of the general average</b>											
<b>81134,18</b>											
<b>Determination of the seasonality indices</b>											
	<b>0,68</b>	<b>0,74</b>	<b>0,81</b>	<b>0,80</b>	<b>0,98</b>	<b>1,14</b>	<b>1,45</b>	<b>1,47</b>	<b>1,50</b>	<b>0,54</b>	<b>0,86</b>

As can be seen in Table 1, for the municipality of Cluj-Napoca, seasonality indices during the analyzed period have higher values in the years before the pandemic, respectively 2016-2019, the maximum value being recorded in 2019, this year also recorded the highest number of tourist arrivals.

**Table 2.** Distribution of the tourist arrivals, by quarters, in the period 2011-2021 in Brasov

Distribution of the tourist arrivals, by quarters, in the period 2011-2021 in Brasov											
Quarter /year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
I	59587	79303	87553	89454	113525	119405	13278	143796	147168	124632	104023
I I	71730	82075	92109	97890	119025	126992	139290	148273	160984	11267	70937
III	10083	10865	11519	128418	154929	178027	18505	19927	201024	97144	144058
IV	87315	89059	10143	107773	126866	139493	14689	16478	168641	78428	103337
<b>Total</b>	<b>31955</b>	<b>35902</b>	<b>39624</b>	<b>423535</b>	<b>514345</b>	<b>563917</b>	<b>60392</b>	<b>65604</b>	<b>677817</b>	<b>311471</b>	<b>422355</b>
<b>Determination of the quarterly average</b>											
	79872	89763	99056	1058,8	1285,3	1409,3	15093	16401	1694,3	778675	1055,8
<b>Determination of the general average</b>											
<b>119277,2227</b>											
<b>Determination of the seasonality indices</b>											
	<b>0,66</b>	<b>0,75</b>	<b>0,83</b>	<b>0,88</b>	<b>1,07</b>	<b>1,18</b>	<b>1,26</b>	<b>1,37</b>	<b>1,42</b>	<b>0,65</b>	<b>0,88</b>

The seasonality indices in Brasov have higher values also in the years before the pandemic, respectively 2016-2019, the maximum value being recorded in 2019, the year that also recorded the highest number of tourist arrivals.

To identify the percentage where or in what months the tourist circulation is concentrated in the analyzed period in these two municipalities, we have determined *the monthly concentration coefficient*, for which we used the following formula: we report the tourist arrivals in the month with maximum traffic to the tourist arrivals of the respective year. After the calculations, the results are presented in Table 3 and Table 4 respectively.

**Table 3.** Monthly concentration coefficient, in the period 2011-2021 in Cluj-Napoca

Cluj-Napoca	2011/XI	2012/V	2013/V	2014/V	2015/X	2016/VII	2017/VII	2018/IX	2019/V	2020/II	2021/VIII
Maximum traffic per month	23036	25282	27202	26799	33575	37390	49277	48451	49816	28777	39443
Tourist arrivals (total)	221094	239950	264793	262410	318583	369975	470727	477577	488742	176733	279320
<b>Monthly concentration coefficient</b>	<b>0,104</b>	<b>0,105</b>	<b>0,102</b>	<b>0,102</b>	<b>0,105</b>	<b>0,101</b>	<b>0,104</b>	<b>0,101</b>	<b>0,101</b>	<b>0,162</b>	<b>0,141</b>

Source: The raw data were taken from the insse.ro (TEMPO online), after which the coefficients were determined

During the analyzed period, the highest value of the monthly concentration coefficient was recorded in 2020, in February, a month in which 16.2% of the total tourist flows of that year were concentrated, which can be explained because, after the outbreak of the pandemic, the months that followed, from March to the end of the year were characterized by a lot of restrictions, including those of traffic, the tourism sector being severely affected. The second highest value was recorded the following year, in 2021, in August, which concentrated 14.1% of the total number of tourists arriving that year.

**Table 4.** Monthly concentration coefficient, in the period 2011-2021 in Brasov

Braşov	2011/VIII	2012/VIII	2013/VIII	2014/VIII	2015/VIII	2016/VIII	2017/VIII	2018/VIII	2019/VIII	2020/VIII	2021/VII I
Maximum traffic per month	36305	40569	43565	47986	56904	65212	70474	72949	75335	40414	57330
Tourist arrivals (total)	319505	359052	396224	423535	514345	63917	603972	656004	677817	311471	422355
<b>Monthly concentration coefficient</b>	<b>0,113</b>	<b>0,112</b>	<b>0,109</b>	<b>0,113</b>	<b>0,110</b>	<b>0,115</b>	<b>0,116</b>	<b>0,111</b>	<b>0,111</b>	<b>0,129</b>	<b>0,135</b>

Source: The raw data were taken from the insse.ro (TEMPO online), after which the coefficients were determined

During the analyzed period, the highest value of the monthly concentration coefficient was recorded in 2021, in August, a month in which 13.5% of the total tourist flows of that year were concentrated, the second highest value being recorded in August 2020, with 12.9% of the total number of tourists arriving in that year.

A comparative analysis between the two municipalities shows us significant differences in terms of tourist seasonality. Thus, if in Brasov the month of August is the one in which the tourist circulation is concentrated, with percentages ranging from 10.9% to 13.5% of the total number of tourists, in Cluj-Napoca things are different, here only in 2021 the month of August concentrating the largest number of tourists.

However, the values of the monthly concentration coefficients do not have very worrying values for tour operators, the mitigation of seasonality effects in months with higher tourist flows can be achieved by finding ways to stimulate travel throughout the entire year or by extending the tourist season. A deeper analysis of the tourist market in the two municipalities lead us to the touristic supply indicators and some of them are presented further.

**Table 5.** The main structures of the tourist accommodation in the municipality of Cluj-Napoca

<b>The main structures of the tourist accommodation in the municipality of Cluj-Napoca</b>											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Hotels	39	42	41	40	41	39	46	50	49	48	43
Hostels	6	4	2	3	3	6	7	8	8	10	10
Apartment hotels	:	:	1	1	1	1	1	2	2	3	3
Motels	:	:	1	:	:	:	:	:	:	:	:
Tourist villas	12	15	13	9	7	6	8	8	8	11	11
Campgrounds	1	1	1	1	1	1	1	1	1	:	:
Touristic pensions	20	34	31	31	33	34	48	48	48	48	47
Agrotourism guesthouses	1	1	1	:	:	:	:	:	:	:	:

Source: Statistical data taken from the National Institute of Statistics website

Hotels prevail in Cluj-Napoca, closely followed by touristic pensions, these even exceeding in 2021 the number of hotels. The next structures of touristic reception with functions of accommodation in order of importance are hostels and tourist villas. If we compare the seasonality index that has the highest value (1.50 in 2019) with the number of hotels, we note that even to the latter, the highest value is in the same year.

**Table 6.** The main structures of the tourist accommodation in the municipality of Braşov

<b>The main structures of the tourist accommodation in the municipality of Braşov</b>											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Hotels	41	46	49	54	58	57	57	58	57	55	56
Hostels	3	8	12	15	18	19	20	17	16	14	13
Motels	:	1	1	:	:	:	:	:	:	1	1
Tourist villas	11	16	28	26	29	29	17	20	19	20	14
Campgrounds	1	1	2	3	2	2	3	3	3	3	3
Bungalows	1	1	1	1	1	1	4	4	4	4	4
Vacation village	:	:	:	1	:	:	1	1	1	1	1
Touristic pensions	69	72	81	80	84	86	86	92	88	86	78
Agrotourism guesthouses	:	1	:	:	2	1	1	1	1	1	:

Source: Statistical data are from the National Institute of Statistics website

In Braşov, the touristic pensions predominate, followed by the hotels, and in third place in terms of numbers are the hostels. If we compare the seasonality index that has the highest value (1.42 in 2019) with the number of hotels and hostels, we note that their highest value is not in 2019 but in 2018, but the values in 2019 are quite close to those of 2019.

Next, we presented the existing tourist accommodation capacity, by types of touristic reception structures in the two municipalities. *The existing (installed) touristic accommodation capacity* represents the number of accommodation places for touristic use included in the last act of reception, homologation, classification of the touristic accommodation unit, excluding the additional beds that can be installed in case of need. The places afferent to the touristic accommodation structures with complementary tourist accommodation functions (houses, camping fields, etc.) to a basic tourist accommodation structure (hotel, motel, camping, etc.) and the use of these places are included in the basic structure. [2].

**Table 7.** The existing tourist accommodation capacity by types of touristic accommodation structures, in the municipality of Cluj-Napoca

<b>The existing tourist accommodation capacity by types of touristic accommodation structures, Cluj-Napoca</b>											
	- Places -										
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Hotels	3410	4024	3664	3701	3663	3529	4485	4890	4728	4663	4104
Hostels	130	76	44	70	90	168	183	209	255	319	324
Apartment hotels	:	:	36	36	40	40	40	246	246	352	352
Motels	:	:	250	:	:	:	:	:	:	:	:
Tourist villas	349	467	357	278	262	227	267	252	257	297	304
Campgrounds	86	86	86	86	80	80	80	80	80	:	:
Touristic pensions	344	671	623	618	822	855	1161	1147	1147	1185	1103
Agrotourism guesthouses	8	8	5	:	:	:	:	:	:	:	:

Source: Statistical data are from the National Institute of Statistics website

**Table 8.** The existing tourist accommodation capacity by types of touristic accommodation structures, in the municipality of Braşov

<b>The existing tourist accommodation capacity by types of touristic accommodation structures, in Brasov</b>											
	- Places -										
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Hotels	4908	5557	5939	6301	6423	6416	6520	6750	6715	6554	6596
Hostels	97	211	722	831	922	991	1078	651	540	564	570
Apartment hotels	:	14	:	12	:	:	:	:	:	:	:
Motels	:	50	50	:	:	:	:	:	:	47	47
Tourist villas	299	367	487	419	453	459	386	430	407	460	346
Tourist cabins	78	78	98	142	111	111	119	119	119	119	119
Bungalows	78	78	78	78	78	78	108	108	108	108	108
Vacation village	:	:	:	40	:	:	48	48	48	48	48
Campgrounds	524	524	518	:	:	:	:	:	:	:	:
Touristic pensions	1503	1585	1810	1820	1950	1957	1966	2076	2002	1932	1693
Agrotourism guesthouses	:	8	:	:	45	12	12	10	10	14	:

Source: Statistical data are from the National Institute of Statistics website

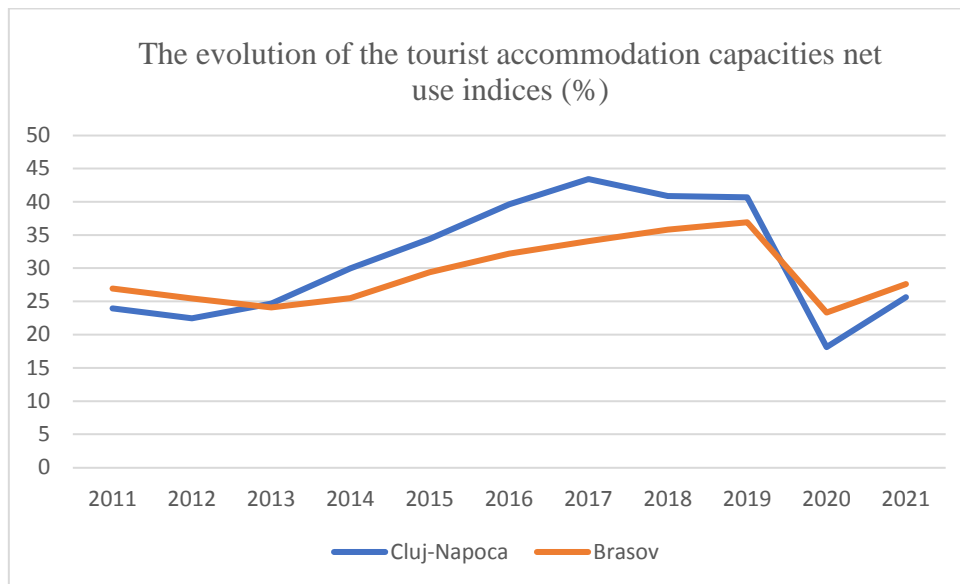
To compare the efficiency of using the accommodation capacities, we have determined further the efficiency of their use, through the indices of net use of tourist accommodation capacities in the municipalities of Cluj-Napoca and Brasov, which are shown in Table 9.

**Table 9.** Indices of net use of tourist accommodation capacities in the Cluj-Napoca and Brasov

Overnight stays in establishments of touristic reception by type of structures, in the municipality of Cluj-Napoca											
Years	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<b>TTotal</b>	37277	42060	46625	49348	60860	70491	87205	88789	90520	30798	49289
The capacity of tourist accommodation in operation by types of structures of touristic reception, in the municipality of Cluj-Napoca											
Years	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<b>Total</b>	15579	18733	18883	16466	17686	17794	20077	21740	22256	16944	19218
The net use index of the accommodation capacity in operation in the municipality of Cluj-Napoca											
	<b>23,93</b>	<b>22,45</b>	<b>24,68</b>	<b>29,96</b>	<b>34,41</b>	<b>39,60</b>	<b>43,44</b>	<b>40,83</b>	<b>40,67</b>	<b>18,16</b>	<b>25,65</b>
<b>Total</b>	67743	73465	82419	86825	10257	10914	11948	12798	13058	60858	82743
The capacity of tourist accommodation in operation by types of structures of touristic reception, in Brasov											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<b>Total</b>	25188	288730	3423686	3404967	3491858	3391182	3505313	3576337	3534149	2608343	2997073
The net use index of the accommodation capacity in operation in Brasov											
	<b>26,95</b>	<b>25,43</b>	<b>24,07</b>	<b>25,49</b>	<b>29,38</b>	<b>32,19</b>	<b>34,08</b>	<b>35,78</b>	<b>36,93</b>	<b>23,33</b>	<b>27,60</b>

Source: Calculations made based on data extracted from the National Institute of Statistics website

The indices of net use of tourist accommodation capacities in the two municipalities evolve upwards during the analyzed period, except for the pandemic years, with slightly higher values in Cluj-Napoca (Fig. 1)



**Fig. 1.** Evolution of the tourist accommodation capacities net use indices in Cluj-Napoca and Brasov

Due to the multitude forms of tourism that can be practiced in these two municipalities, we find that seasonality does not majorly affect the tourist flows during the analyzed period, the local administrations being preoccupied to make the best use of the natural and anthropogenic resources that each of them has, in this regard being started a series of projects aimed at making the tourism activity more efficient, a constant concern being the implementation of a sustainable tourism in the next decade.

### Conclusions and Recommendations

Following the analysis undertaken in this work, we can say that the hypothesis from which we started, respectively that in the municipalities of Cluj-Napoca and Brasov the seasonality is accentuated and affects the activity of tourism operators, is not confirmed, the seasonality

indices have relatively normal values, which correspond to a degree of concentration of the tourism activity of medium level. The concerns of the local administrations, but also of the involvement of the private environment, have demonstrated during the analyzed period the positive evolution of tourism through the main indicators of the tourist circulation and the existence for the horizon 2020-2030 of important strategic concerns, which would further lead to even better results. Thus, Brasov aims for 2030 to become the destination number one for holidays. Tourists from all over Europe are expected in Brasov to spend their holidays. Whether in summer or winter, the attractive city and landscape have something to offer for each season. Brasov has developed from the intermediate destination stage to the status of a holiday destination [3].

Cluj-Napoca, in its turn, proposes for the next period the harmonious and competitive integration of tourism in the regional, national and European tourism system, by creating a complex, complementary and competitive tourism offer, able to motivate and generate convergent tourism flows and to satisfy a potential tourism demand diversified in terms of needs, options, requirements, tastes and material possibilities [4].

## REFERENCES

- [1] Stănciulescu G., Micu C. (2009), Economie și gestiune în turism, Editura C.H. Beck, București
- [2] <http://statistici.insse.ro:8077/tempo-online/#/pages/tables/insse-table>
- [3] Sustainable Development Strategy of Brasov 2030, <https://www.brasovcity.ro/file-zone/strategii/Strategia%20de%20Dezvoltare%20Durabila%20Brasov%202030/Strategia-dezvoltare/Strategia%20de%20dezvoltare%20a%20Municipiului%20Brasov.pdf>
- [4] Development Strategy of Cluj-Napoca 2014-2020, <https://files.primariaclujnapoca.ro/2018/11/28/315.-Anexa.pdf>

# Leisure Services in the Tourism Industry. Case Study: Valea Căprioarei, Luduș

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## Abstract

Although the geographical positioning and history recommend the city of Luduș as a tourist centre of interest, however, due to the small number of tourist attractions, one cannot speak of a clearly outlined tourist profile, which makes the main form of tourism to be the transit one. However, a better use of natural and anthropogenic resources from a tourism perspective can be achieved, but this implies appropriate investments. Luduș was not chosen by chance, because I was born and live here. For a long time, my parents have been managing a tourist boarding house, located in the locality, which offers tourists the opportunity to hike, fish, practice different sports, socialize and enjoy the peace of this place, on the outskirts of the city, near a forest. Therefore, the case study conducted here was intended to complement the theoretical aspects presented in the work, regarding leisure services and their role in tourism, demonstrating the fact that "Valea Căprioarei" brings tourists, through the type of services made available to them, satisfaction, pleasure and relaxation, an excellent way of spending leisure time.

*Keywords: leisure services, tourism, Luduș, "Valea Căprioarei"*

## Introduction

Although the geographical positioning and history recommend the city of Luduș as a tourist centre of interest, however, due to the small number of tourist attractions, one cannot speak of a clearly outlined tourist profile, which makes the main form of tourism to be the transit one. However, a better use of natural and anthropogenic resources from a tourism perspective can be achieved, but this implies appropriate investments [1].

The main tourist resources available to Luduș, of anthropogenic nature, are the Necropolis of Gheja, the archaeological site from Luduș, the Bánffy Mansion from Gheja, but a significant contribution to attracting tourists is also made by the tourist attractions located nearby, such as castles and mansions, monasteries, nature reserves or protected sites – all located within a radius of several kilometres. These resources can be incorporated into circuits that enrich the touristic offer of the Luduș area. The touristic products with potential at the level of Luduș city and the surrounding area are of cultural/heritage type, religious, ecotourism.

The whole approach we have undertaken during this work is to prove that the area where the pension "Valea Căprioarei" is located has a touristic potential, and the touristic and economic activity carried out by the owners of the pension is a profitable one, bringing additional income.

## Case Study

The “Valea Căprioarei” Pension is located in the western part of Luduș town in the area called Cioarga, at an altitude of 367 m, in the relief subunit of the Luduș Hills, at 500 m away from the highest hill in the area of Luduș, Cioarga Hill with maximum altitude of 479.8 m. The area offers us a delightful view to the Southern Carpathians, which on clear spring days in March-April [2].

In fact, on the territory of Luduș, at a morphological level, on the right side of Mures, there are quite high heights [3]. The territory belongs to the Transylvanian Plain, a division of the Transylvanian Depression, located north of Mures, has as subunit the Sărmaș Plain, whose relief of hills (400–500 m) was modelled on soft and friable formations (marl, clays, bushes).

The anthropogenic influence was manifested early in this part of the city by capitalizing on the geographical space, and the forest component paid the greatest tribute.

The geographical coordinates corresponding to the location of the pension are: 46°49'10" and 24°07'57", the pension being located about 3.5 km from the new city centre, 7 minutes away by car. The connection with the city is made through Avram Iancu Street, partially asphalted that connects the pension to the E60 road. A portion of the Avram Iancu stadium, from the last houses, is not asphalted, but it is cobblestone, being well maintained by the local authorities, being able to circulate without problems even with city cars or bicycles.

The location of the pension is a favorable one for recreational activities, being dominated by a pine and deciduous forest, an area with meadows and arable land (Fig 1). On the slopes we can notice the existence of conical or flattened mounds (glimee, grueți), materialized by sliding processes. The Luduș Hills are made up predominantly of Sarmatian deposits (brown clays, sands, bushes) with dome structures. They appear in relief, in the form of prolonged peaks, with heights of 400–500 m, with gentle slopes and asymmetrical slopes, affected by ravine processes and landslides.



**Fig. 1.** The Pension “Valea Căprioarei” - Main building

Pension “Valea Căprioarei” is the property of two local entrepreneurs. Initially, in the area was purchased a land with an area of 70 acres by one of the owners in order to build a warehouse for the goods he sold through his own company. Shortly after, a larger area of land appeared in the vicinity of that land. The owner agreed with one of his friends to cover himself to acquire that area of land, in order to transform that arable land into an orchard with plum trees and walnuts, in 2010. That area, located on the outskirts of Luduș, did not benefit from the use. They built a well and connected the property to electricity, and then they started to arrange a



lake for fishing, relying on the streams that during the rainfall supplied that area with water (Fig 2).

They excavated some of the land up to the level of the clay. Since the first year, the lake has filled up to a level of 50-60%. In the spring of 2011, the works for the arrangement of the first lake began, which was almost filled with water from the melting of the snows and from the streams resulting from the rainfall in the spring of 2012. In the same year they introduced fish juveniles into the lakes for the first time. In addition to the supply resulting from the streams, a motor pump is used that pumps water from a well located on the property, because in the meantime several lakes have been arranged, and the resulting water from the stream would not fully cover the necessary, knowing that in summer the rainfall is lower, the temperatures are higher, and the evaporation phenomenon is more pronounced.

The land being sloping, the lakes were arranged in cascade, all of them being sloped with clay, and starting from 2020 all these lakes are filled with water and fish.



**Fig. 2.** Lake arranged in the Pension “Valea Căprioarei”

In the first phase, the owners arranged the land only for themselves and their families, building a chalet, a mini football field with natural turf and some houses located on the shore of the lakes inside the property. In the following years they thought about expanding. During 2010-2020, several lakes were built, several houses, gazebos, barbecue places were built and trees were planted. The chalet was modernized and equipped with all the necessary for the reception of tourists.

In addition to the brood with which they populated the ponds: carp, crucian carp, there were also specimens of the queen of the pond, due to the pond birds. The water is slightly salty, salty, but it is suitable for fish because they do not get sick. A lot of water comes from the drains that the communist authorities made for the dewatering in the immediate vicinity, in the years when efforts were made to restore as many land areas as possible to agriculture through the land improvement program.

The pension is arranged on a territory of over 6 hectares, of which 1.2 ha is formed by the water surface, several lakes arranged in cascade, of which two larger than 50 acres, respectively, 40 acres.

The orchard set up by the owners of the pension has 300 walnuts and 100 fruit trees: apple trees, pear trees, cherries, cherries, cherries, cherries, plum trees. On the shores of the lakes were planted willows. In order to relax the tourists, the owners also brought a tub, and next year they will start building a swimming pool.

The first customers have appeared since 2015, coming especially at the end of the week for sport fishing and for distancing. If in the first years most of the tourists were among the young

people, nowadays tourists of all ages come to stay at the pension for rest, relaxation, practicing sport fishing, hiking in the neighboring areas, practicing football, etc.

The pension currently benefits from 26 beds, distributed as follows: 8 beds in 4 cottages located on the lake's shore and 6 rooms located in the chalet. The chalet is a new building with six rooms, each equipped with bathroom, TV and internet. On the ground floor there is a kitchen, a toilet, a dining room, and a terrace was arranged next to the terrace.

Of course, those who want to make small hikes, can take into account the attractions in the city of Luduș: the Churches, the Youth Park, but also in the immediate vicinity: the pine and deciduous forest, the Cioarga Hill that offers us a lookout on the entire Mures valley from Iernut to Aiud, Câmpia Turzii and the Apuseni Mountains, and sometimes even on the Southern Carpathians.

## Conclusions

The touristic leisure, defined by all the means, equipment, events and forms offered by the units, resorts or tourist areas, able to provide the individual or a social group with a state of good mood, of pleasure, to give the feeling of a satisfaction, a fulfillment, to leave a beautiful impression and memory, has found in this location a perfect match.

The leisure industry, in the context of modern tourism, is a basic component that develops, diversifies, and takes new and complex forms seeking to respond to the most unique needs of the tourist and becomes a generator of tourist demand [4].

In a society under the empire of speed, of changes, under the pressure of stress factors, tourist leisure takes on a central role in leisure and this pension with all their features comes to meet the needs of tourists in a unique and happy way.

## REFERENCES

- [1] Snak O., Baron P., Neacșu N., (2001) *Economia Turismului*, Ed. Expert, București
- [2] Berar Antoniu et al (2017), *Premise fizico-geografice în dezvoltarea localității Luduș*, Editura Mega, Cluj-Napoca
- [3] Ioan Aurel Irimuș, *Relieful pe domuri și cute diapire în Depresiunea Transilvaniei*, Editura Presa Universitară Clujeană, Cluj-Napoca, 1998
- [4] Adriana Anca Cristea (2018), *Industria agrementului în turism*, Editura Prouniversitaria, București

# Air Quality in Romania's Major Cities. Comparative Analysis Iasi, Timisoara

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## Abstract

Air pollution is one of the worst forms of pollution with major, disastrous effects on the environment. Any physical, biological or chemical change in the atmosphere can be called air pollution and occurs when any harmful gas, dust or smoke enters the atmosphere and affects plants, animals and humans. Air pollution involves polluting the atmosphere and thus any gas or substance that enters the atmosphere can create unwanted imbalances in the medium and long term. Air pollution in big cities -Timișoara, Iași - is caused by the burning of fossil fuels from which sulfur dioxide is emitted, and cars with internal combustion engines, used every day. We can also mention ammonia, often used in agricultural activities, in the perimeter of cities.

*Keywords: air quality, environmental degradation sources, urban ecosystem, big cities, Timișoara, Iași*

## The Air Quality of Large Urban Ecosystems

The air quality of large urban ecosystems is affected by intensive and diverse human activities [2]. Big cities have a large number of economical units [1] high density of population and build area, an intense traffic circulation, constructions activities, each of these important sources of pollutants.

Timisoara and Iasi - are major regional poles with transnational potential, county seats, with a major role at regional and cross-border level, headquarters of institutions of national interest, central recognized universities, with a population of over 250,000 and over 400,000 inhabitants [6].

With its expansion, Iasi is the legendary “city of the 7 hills”, compared in 1691 by the Italian Marco Bandini as “A new Rome”. The seven hills are Cetățuia, Galata, Copou, Bucium-Păun, Șorogari, Repedea and Breazu, with altitudes ranging from 50 m in the Lunca Bahluiului to 400 m on the Dealul Păun and Dealul Repedea. Compared to the 2011 census, the town's population has increased by about 60,000 inhabitants. The city is now the second most populous city in the country after Bucharest, ahead of Cluj-Napoca, Timișoara and Constanța.

Timișoara is located in the south-east of the Tisei plain, in the area where the Timiș and Bega rivers diverge. The waters of the two rivers have formed a very marshy and frequently flooded region. Timișoara, however, developed in one of the few places where swamps could be crossed.

**Table 1.** Municipalities of Iasi and Timisoara - general characteristics (2018)

City	Attestation	Surface	Population (inhabitants)	Density	Average altitude	No. Vehicles
Iasi	1408	94 km <sup>2</sup>	375,889	3956 loc/km <sup>2</sup>	75 metres	116 700
Timisoara	1212	130.5 km <sup>2</sup>	331,004	2355 loc./km <sup>2</sup>	90 metres	over 160,000

Decisive for the improvement of the land was the construction of the Bega Canal from 1728 and the complete drainage of the surrounding marshes. On the other hand, the land around the town inherited a water table only 0.5-5m deep: a factor that did not allow the construction of tall buildings.

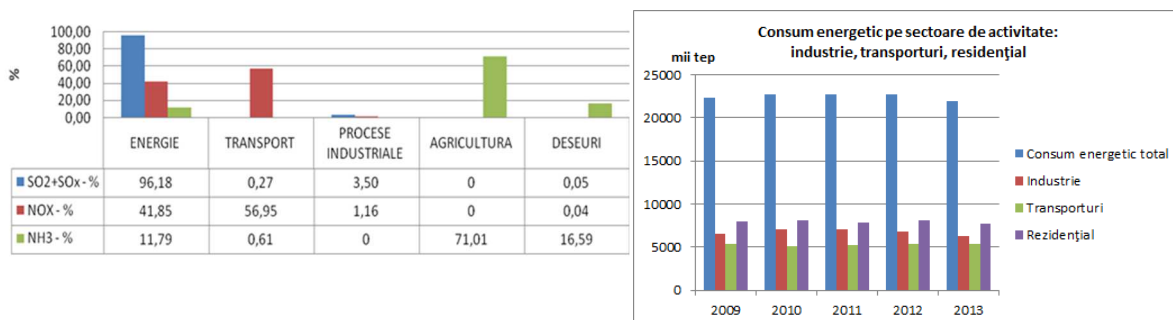
### Sources of Urban Pollution

Emissions of air pollutants originate from most industrial and social activities, posing a real risk to ecosystems and human health. The most important air pollution problems are caused by pollutant emissions [3].

Pollutant emissions acidify the atmosphere, increase the concentration of particulate matter, heavy metals and greenhouse gases in the atmosphere, depleting the ozone layer and causing climate change.

The energy sector is the main source of air pollution with emissions by SO<sub>2</sub> and NO<sub>x</sub>. Road transport is another important source of pollution for emissions of NO<sub>x</sub>, PM<sub>2.5</sub>, CO and non-methane volatile organic compounds.

Energy used in households (fuels such as wood or coal) is the main source of PM<sub>2.5</sub> emissions.



**Fig. 1.** Contribution of sectors of activity to acidifying air pollutant emissions in 2016 in the municipalities of Iasi and Timisoara

### Air Quality Monitoring

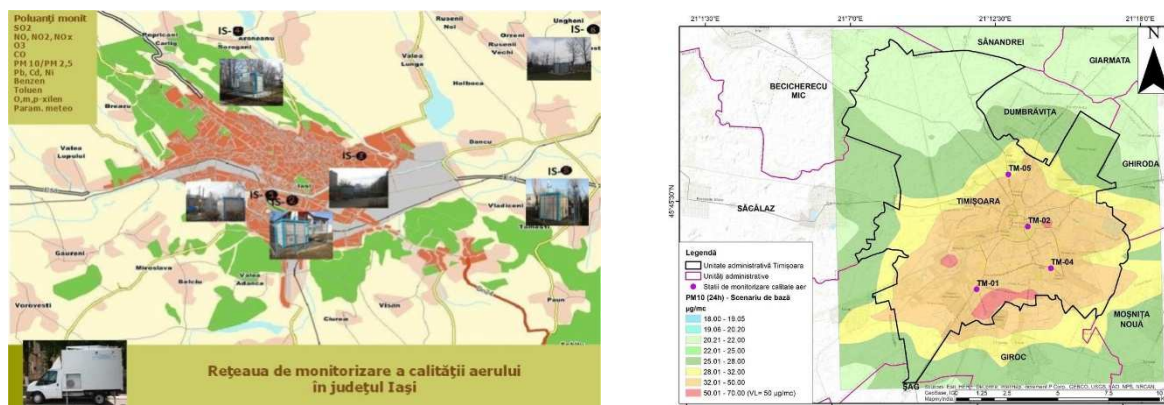
The national air quality monitoring network includes stations for assessing the influence of traffic on air quality, stations for assessing the influence of industrial activities on air quality, for assessing the influence of “urban settlements” on air quality and regional background stations - reference station - for assessing air quality, away from any type of source, natural or anthropogenic, that could contribute to the deterioration of air quality.

**Table 2.** Pollutants and meteorological parameters monitored at automatic air quality monitoring stations in the municipalities of Iași and Timișoara

City	Automatic monitoring station	Pollutants monitored
Iasi	IS-1 Podu de Piatra	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , CO, Pb, Ni, Cd (from PM <sub>10</sub> ), automatic PM <sub>10</sub> , gravimetric PM <sub>10</sub> , Benzene, Toluene, Ethylbenzene, o, m, p - xylene.
	IS-2 Decebal Cantemir	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , PM <sub>10</sub> gravimetric, PM <sub>2.5</sub> gravimetric, Benzene, Toluene, Ethylbenzene, o, m, p - xylene
	IS-3 Oancea Tatars	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , OR <sub>3</sub> , PM <sub>10</sub> automated
Timisoara	TM-1	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , CO, heavy metals (Pb, Ni, Cd, As - from gravimetric PM <sub>10</sub> ), non-phelometric and gravimetric PM <sub>10</sub> , volatile organic compounds (benzene, toluene, ethylbenzene, o,m,p- xylene)
	TM-2	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , CO, O <sub>3</sub> , heavy metals (Pb, Ni, Cd, As - from gravimetric PM <sub>10</sub> ), gravimetric PM <sub>10</sub> , gravimetric and non-gravimetric PM <sub>2.5</sub> , volatile organic compounds (benzene, toluene, ethylbenzene, o, m, p - xylene) and meteorological parameters
	TM-3	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , CO, O <sub>3</sub> , heavy metals (Pb, Ni, Cd, As - from gravimetric PM <sub>10</sub> ), non-phelometric and gravimetric PM <sub>10</sub> , volatile organic compounds (benzene, toluene, ethylbenzene, o,m, p - xylene) and meteorological parameters
	TM-4	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , CO, O <sub>3</sub> , non-phelometric PM <sub>10</sub> , volatile organic compounds (benzene, toluene, ethylbenzene, o,m, p - xylene). The station is also equipped with sensors to measure meteorological parameters.
	TM-5	SO <sub>2</sub> , NO, NO <sub>2</sub> , NO <sub>x</sub> , CO, heavy metals (Pb, Ni, Cd, As - from gravimetric PM <sub>10</sub> ), non-phelometric and gravimetric PM <sub>10</sub> , volatile organic compounds (benzene, toluene, ethylbenzene, o,m,p- xylene)

Source: Annual report on the analysis of environmental factors in 2018  
<http://www.anpm.ro/documents/839616/2486913/raport+annual+20181.pdf>

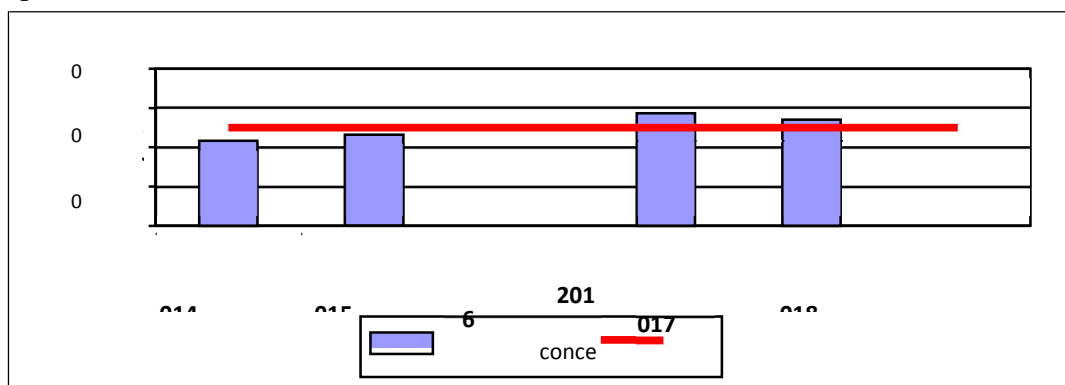
In 2018 the air quality in Iași [7] county was monitored by continuous measurements in 6 automatic stations located in representative areas for the types of stations existing in the network realized by PHARE RO 2002 project. The monitored pollutants are specific to each type of station and are related to the limit values provided in the Law no. 104 of 15 June 2011 on ambient air quality, updated. The measurement methods used for the determination of specific pollutants are the reference methods provided for in Law 104/2011, updated.



**Fig. 2.** Automatic air quality monitoring network in Iasi and Timisoara municipalities  
 Source: <http://www.anpm.ro/documents/839616/2486913/raport+annual+20181.pdf>

### Pollutants

**Suspended particulate matter, PM<sub>2.5</sub>** is a complex mixture of very small particles and liquid droplets.



**Fig. 3.** PM<sub>2.5</sub> - Annual average concentrations recorded from 2014 to 2018, at the Decebal - Cantemir urban background station, Iasi municipality  
 Source: <http://www.anpm.ro/documents/839616/2486913/raport+annual+20181.pdf>

Anthropogenic sources are: industrial activity, population heating system, thermal power plants. Road traffic contributes to particulate pollution from car tyres both when they stop and due to incomplete combustion.

In 2018 the annual average for the gravimetrically determined PM<sub>2.5</sub> particulate matter indicator was exceeded. It is noted that in winter the concentration of PM<sub>2.5</sub> is higher than in summer [4]. This variation could be related to the temperature decrease from late autumn to early spring, which favours the formation of PM<sub>2.5</sub>, by the transition of precursors (nitrogen oxides, sulphur oxides, ammonia) from the gaseous phase to the solid phase as nitrogen/ammonium sulphate. At high temperatures (>30°C) the precursors are generally in the gas phase, so PM<sub>2.5</sub> concentrations are lower in summer. Also in winter, carbon particles (organic carbon and elemental carbon) are found in higher quantities.

**Table 3.** Comparative analysis by cities PM<sub>2,5</sub>

Station	Particulate matter PM <sub>2.5</sub> (µg/m <sup>3</sup> )
Iasi IS-2	27,01
Timisoara	18.90

Source: <http://www.anpm.ro/documents/840392/43048986/Cap.I+Air+quality.pdf>

From this table it can be seen, that the highest PM<sub>2.5</sub> particulate matter pollution is in the city of Iasi [7].

**Particulate Matter, PM<sub>10</sub>** is emitted directly as primary particles or is formed in the atmosphere from the chemical reaction of primary gas emissions - precursors - these are called secondary particles. The most important precursors for secondary particles are sulphur dioxide, nitrogen oxides, ammonia and volatile organic compounds (VOCs). Particulate matter in the atmosphere is a long-range pollutant, originating from natural causes such as entrainment of particles from the ground surface by wind, volcanic eruptions, etc. or from anthropogenic sources such as: energy sector burns, production processes (metallurgical industry, chemical industry, etc.). Concentrations of particulate matter smaller than 10 microns in ambient air are assessed using the gravimetrically determined daily limit value (50 µg/m<sup>3</sup>), which must not be exceeded more than 35 times/year, and the gravimetrically determined annual limit value (40 µg/m<sup>3</sup>).

In 2018, the annual limit value for the protection of human health was exceeded for the suspended particulate matter indicator at the following stations: IS-1 Podu de Piatră and IS-6 Bosia Ungheni. The annual average recorded in station IS-1 Podu de Piatra was 45.02 µg/m<sup>3</sup>, and in station IS-6 Bosia Ungheni was 42.42 µg/m<sup>3</sup>, compared to the annual limit value of 40 µg/m<sup>3</sup> established according to Law no.104 of 2011, updated.

**Sulphur dioxide (SO<sub>2</sub>)** Sulphur dioxide is a colourless, pungent, bitter-smelling gas, mainly from the combustion of sulphurous fossil fuels (coal, fuel oil) for the production of electricity and heat and liquid fuels (diesel) in internal combustion engines of road vehicles. In the atmosphere, contributes to acidification of precipitation with toxic effects on vegetation and acidification of water bodies.

**Table 4.** Centralised situation for sulphur dioxide in Timisoara and Iasi

Year 2018	TM-1	TM-2	TM-3	TM-4	TM-5	IS-1	IS-2	IS 3
annual average concentration (µg/m <sup>3</sup> )	8,56	8,23	8,40	7,74	7,74	5,96	4,33	5,03

Source: Annual report on the state of environmental factors in the municipality of Timisoara (2018): <http://www.anpm.ro/documents/839616/2486913/raport+annual+20181.pdf>

This table shows that the most polluted city in terms of SO<sub>2</sub> is Timisoara.

**Nitrous oxide NO<sub>x</sub> (NO/ NO<sub>2</sub>)** Nitrous oxides come mainly from the combustion of solid, liquid and gaseous fuels in various industrial, residential, commercial, institutional and road transport installations.

**Table 5.** Statistical data for NO<sub>2</sub>, (validated hourly average data) in Iasi and Timisoara (2018)

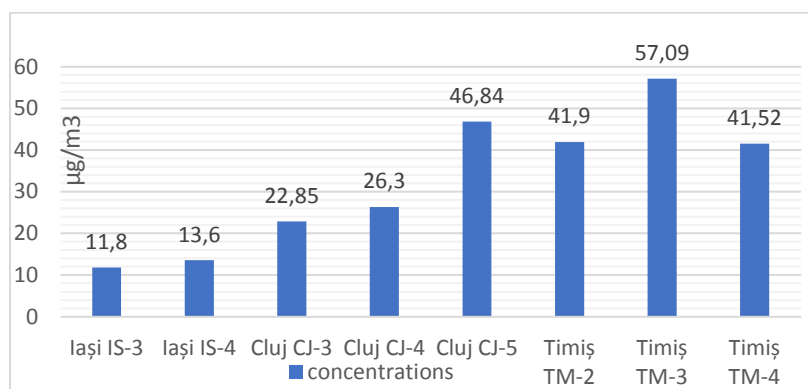
Station Year 2018	TM-1	TM-2	TM-3	TM-4	TM-5	IS 1	IS 2	IS 3
Annual average concentration (µg/m <sup>3</sup> )	45,23	20,43	14,24	28,48	41,18	43,14	30,25	24,01

Nitrogen oxides contribute to the formation of acid rain and favour the accumulation of nitrates in the soil, which can disturb the environmental balance. NO<sub>2</sub> is a long-range transport gas and plays an important role in atmospheric chemistry, including the formation of tropospheric ozone.

**Carbon monoxide** is a highly toxic gas that affects the body's ability to retain oxygen and is lethal in very high concentrations. It comes from anthropogenic or natural sources, involving incomplete combustion of any type of combustible material, both in energy, industrial and residential installations (stoves, individual heating plants) and especially from open burning (burning of stubble, waste, fires, etc.). The two municipalities are characterized by comparable values of the carbon monoxide indicator in 2018, respectively **0.20 µg/m<sup>3</sup> average in Iasi municipality and 0.28 µg/m<sup>3</sup> in Timisoara** [7], [8].

**Ozone** is the allotropic form of oxygen, with a molecule of three atoms. It is generated by electrical discharge, photochemical reactions or free radicals.

Ground-level ozone resulting from the chemical decomposition of oxygen molecules at the respirable level negatively affects the health of the population (affects the respiratory system, reduces resistance to infections, etc.), especially in urban agglomerations.



**Fig. 4.** O<sub>3</sub> - Annual average concentrations recorded at monitoring stations in each city  
In terms of ozone (O<sub>3</sub>) the most polluted city is Timisoara.



## Conclusions

Analyzing the values of pollutants monitored at automatic air quality monitoring stations in the municipalities of Iasi and Timisoara, it is concluded that the city of Iasi is characterized by high values of *particulate matter*  $PM_{2,5}$   $PM_{10}$  and from the point of view of  $SO_2$ , and *Ozone* is *Timisoara* the most polluted city. The main problem in the city of Iasi is the small particles  $PM_{2.5}$ . They can cause cardio-respiratory diseases, strokes and many other fatal health problems.  $PM_{2.5}$  particles are the result of smoky burning activities, from cars or engines, industrial or agricultural activities.

## REFERENCES

- [1] C. Borrego, H. Martins, O. Tchepel, L. Salmim, A. Monteiro, A.I. Miranda, 2006 *How urban structure can affect city sustainability from an air quality perspective*, Environmental modelling & software 21 (4), 461-467
- [2] Bălteanu D., Șerban Mihaela (2005), Modificările globale ale mediului. O evaluare interdisciplinară a incertitudinilor, Editura Coresi, București.
- [3] Iojă, C. (2013), Metode de evaluare și cercetare a mediului, Editura Etnologică, București
- [4] Țutuianu O. (2006), Evaluarea și raportarea performanței de mediu. Indicatorii de mediu, Ed. AGIR, București
- [5] Raport privind starea mediului în județul Iași (2018) <http://www.anpm.ro/documents/839616/2486913/raport+anual+20181.pdf>
- [6] Raport privind starea mediului în județul Timiș (2018) <http://www.anpm.ro/documents/28351/2116733/Raport+anual+privind+starea+factorilor+de+mediu+%C3%AEn+jude%C5%A3ul+Timi%C5%9F++2018.pdf>,
- [7] [https://www.primariatm.ro/uploads/files/comunicate\\_net\\_2019/Plan\\_calitate\\_aer\\_PM10.pdf](https://www.primariatm.ro/uploads/files/comunicate_net_2019/Plan_calitate_aer_PM10.pdf)
- [8] <http://www.anpm.ro/documents/839616/2486913/raport+annual+20181.pdf>
- [9] <http://docplayer.ro/153365084-R-a-p-o-r-t.html>
- [10] <http://www.anpm.ro/documents/839616/2486913/raport+annual+20181.pdf>

# Types, Forms and Tourism Activities Induced by Rivers and Lakes in Mureş County, Romania

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## Abstract

The morphometric, morphological, quantitative, qualitative, dynamic and biotic properties of the surface waters, generated by their natural endowment, represent analysis criteria of the tourist potential, also providing valuable tools in the evaluation. The water surface entities taken into account are rivers, lakes. They reflect a complexity of conditional factors. The identification of hydro tourist potential of the rivers' network is based on a set of indicators – morphometric, morphologic, quantity and quality, dynamicity, biotic – which define the tourist potential of different river sectors. Quantification of these parameters will offer the possibility to shape the areas with hydro-tourist potential relevant for the whole network of rivers for Mures river basin. The morphometric elements refer to rivers' real components: slope, depth, width, and sinuosity. Knowing the slope and depth is the main aspect in evaluating the river sectors that can be exploited through different types and styles of tourist activities (navigation and recreation fishing, extreme water sports). Depending on these two parameters one can set limits of the favorable sectors for white-water sports (rafting, hydro-speed, canoeing, and leisure navigation). The morphology of watercourses includes aspects related to the morphology of the longitudinal profile (sectors with sill, rapids) to the morphology of the valley in cross-cut profile (sectors of gorges or couloirs), to the morphology of rivers' bed (islands, dead channels, etc.). Correlating water resources with the tourist potential of the relief is often inevitable and necessary. Determining the quality of water can distinguish between favourable and unfavourable water sectors for fishing as a sport, navigation, week-end tourism on river banks. The fish fauna that are settled in the hydrographical basin of Mures river are affected by pollution and uncontrolled fishing. Only on sectors not polluted by people the evolution of fish fauna is regulated by natural agents (floods, diseases, predators).

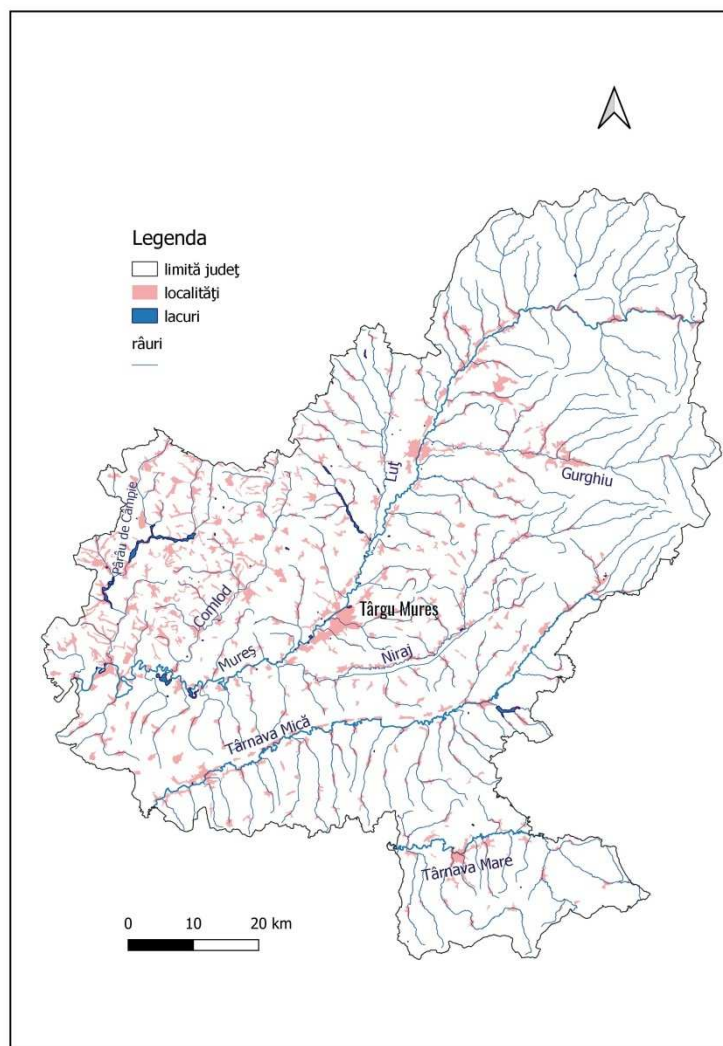
*Keywords: hydro tourism potential, morphometric, morphologic, quantity, quality, dynamic, biotic hydro indices*

## Introduction

There is a dense network of rivers in Mureş County, most of them with permanent drainage. The direction of flow is the result of a long evolution, an important role played by tectonics, relief and geological structure, in addition to climatic conditions.

The main collectors are represented by Mureş - with the right tributaries Comlod (Lechința) and Luț, and from the left with Gurghiu and Niraj, Târnava Mare the second important collector and Târnava Mică. The hydrographical network connected to the main one adapted to it, concentrating towards the major drainage lines, the morphology of the valleys differing according to local conditions (lithology and relief).

Within Mureş County there are three types of lake units: natural (the Sovata lake complex), of mixed origin, natural - anthropogenic (from Pârâul de Câmpie, Șar, Mureş - Cipău) and units of anthropogenic origin (Bezid) (Figure 1).



**Fig. 1.** The hydrographical network within the limits of Mureș County

The natural lakes of Sovata are formed on the diapir contained in the anticline of the same name, at the confluence of the Toplița and Auriu streams, as a result of the collapse of the saline subsoil, a consequence of long-term dissolution and erosion. The lakes of this complex include: Ursu, Aluniș, Roșu, Verde, Negru and Mierlei.

The lake units of mixed origin - natural-anthropic - are aquatic areas arranged by man, created on natural sites (swampy areas, arranged riverbeds) with multiple economic functions such as water reserve for the economy, agriculture and current consumption, depending on control of floods and implicitly of floods, recreation, culture environment of economically valuable fish species, especially carp (PATJ Mureș, Par 1, Vol 1, UBB Cluj, 2012). Among them are the lakes located along the Pârâu de Câmpie (Zau de Câmpie, Bujor, Tăureni, Sânger, Șăulia, Miheșu, Șes, Văleni, Răzoare) (Fig. 1.7.)

In the same category is included the Iernut lake, formed in a meander of the Mureș river. Its main function is to regulate the flow and reserve water for the Iernut thermal power plant. The lakes on the Șar, like Paingeni, are water accumulations whose predominant function is that of fishing, but also of flow regulation.

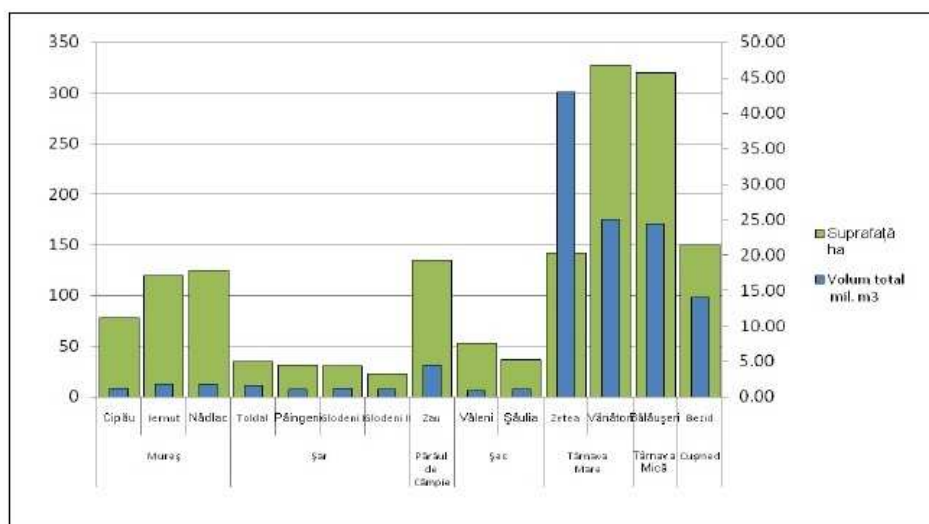


Fig. 2. Reservoirs from Mureș hydrographic basin [2]

Artificial lake units represent bodies of water arranged by man, whose location was dictated by technical and economic reasons. Their main function is regulation of flow, reserve of potable and industrial water, production of electricity. In this category are included the lakes: Bezid on Cușmed - permanent accumulation, Bălăușeri on Târnava Mică and Vânători on Târnava Mare - non-permanent accumulations, of ip polder. Ideciu de Jos and Jabenita lakes are salty lakes of anthropogenic origin.

## Methodology

A first step in addressing the issue is the detection in the field of those network sectors that present the optimal characteristics for carrying out the mentioned activities. In the case of flowing waters, morphometric, morphological, quantitative, qualitative, dynamic and biotic indicators will be used to outline the tourist relevance. The morphometric indicators include elements that define the spatial extension of the analyzed hydrographic entities: length, width, depth, slope. The morphological indicators fully summarize the attractive aspects of watercourses: rapids, rapids, waterfalls, cataracts, gorges, gorges, type of flow. Dynamic indicators refer to speed, currents, waves, and tides. In the river bed, a series of dynamic phenomena occur, the instability of which - speed and level variations, currents, flows - depends on the variation of the climatic and morphological elements of the bed and the water flow regime. The biotic indicators reflect the tourism potential offered by the biota specific to running waters: fish fauna and vegetation. The type and density of the fish fauna as well as the type and degree of cover of the banks with vegetation are taken into account. The quantitative indicators refer to liquid, solid and chemical flow. For the assessment of some river sectors that can be exploited for tourism in order to practice white water sports - the average annual flows as well as the maximum seasonal flows will be taken into account. Solid flow is a limiting factor for practicing these sports. The qualitative indicators refer to the physic-chemical and organoleptic properties as well as to the quality categories. Following the analysis of physic-chemical, biological and bacteriological parameters of the samples taken monthly, four quality categories were established. The first category includes waters that can be used in the centralized supply of drinking water to the population, livestock units, food industry units, as well as others that require drinking water. The second category includes waters used for fish farms, for a number of industrial branches, or for urban and recreational purposes. The third category includes water that can be used to irrigate agricultural crops, for the production of hydropower, in industrial installations with cooling water, in washing stations. The waters in

the fourth category are degraded and can no longer be used, constituting a danger for the quality of the environment and aquatic and riverside ecosystems.

Lakes stand out more prominently in the landscape compared to hydrographic networks. Their dowry regarding the tourist potential is generous. The touristic value is closely related, to a large extent, to their genesis. Their touristic individualization is pencilled in by a series of attributes related to fishing, canoeing, swimming, landscape or curative possibilities. touristic potential offered by lakes can be evaluated based on morphometric, morphological, quantitative, qualitative, dynamic and biotic indicators (Figure 3).

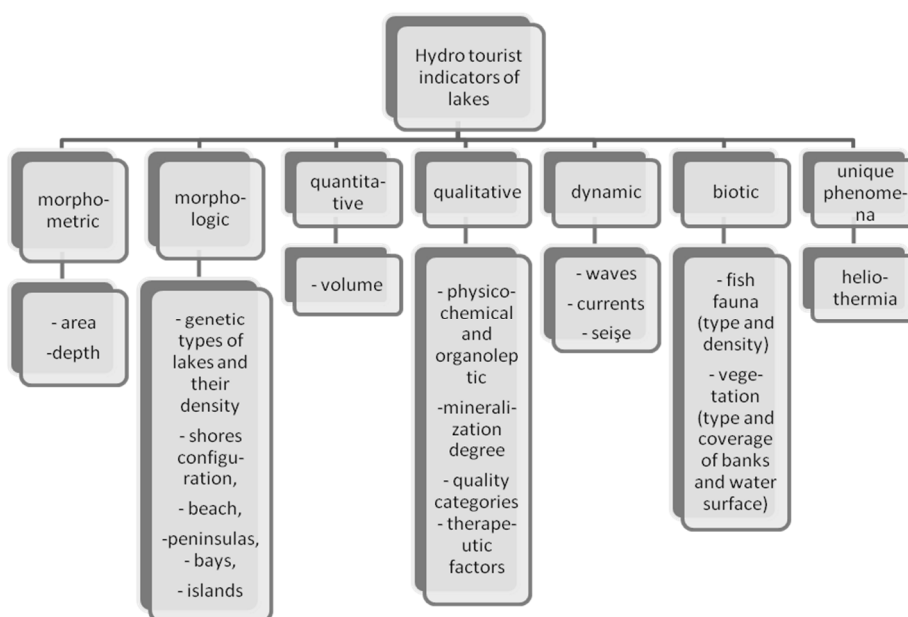


Fig. 3. Tourist potential indicators offered by lakes [1]

## Results and Discussions

For the hydrographical network of Mureş County, each type of water resource (river or lake) can stimulate the appearance of different types, forms and tourist activities. For surface resources, the types and tourist activities cover the entire established spectrum of exploitations of this kind. The morphometric (slope, degree of sinuosity, depth), morphological (morphology of the bed), quantitative (liquid flow) and dynamic (speed, currents) characteristics of rivers favour the development of activities specific to recreation and leisure tourism: recreational sailing, “white water sports” (foamy water sports) – hydro speed, canoeing, rafting, kayaking, canyoning, tubing. If these attributes of the rivers are associated with those specific to the morphology of the valleys as well as the adjacent vegetation, the touristic value of the hydrographical networks is amplified. In the case of underground water resources, the specific note of the analyzed area is given by the presence of hydro karst systems. These include categories with a high tourist potential, the possibilities of capitalization being restricted by the degree of accessibility: underground rivers and lakes, springs (Table 1).

**Table 1.** Types of tourism and touristic activities associated with rivers and lakes in Mureş County

Water resources	Types of tourism and tourist activities		
	Recreation and leisure	Curative	Polyvalent
Rivers	- water sports - stationary and dynamic fishing - swimming	- balneotherapy	- research expeditions
Lakes	- water sports - stationary fishing - swimming	- balneotherapy	- research expeditions

Among the watercourses related to Mureş county, most of the large river sectors - Mureş, Târnave, Niraj, Gurghiu can provide support for the development of recreational and leisure tourist activities. Sports fishing, with all its specific forms (stationary or dynamic), is favoured by the qualitatively non-degraded sectors and relates, above all, to the upstream sectors of Mureş, Gurghiu and Tarnave.

There are several forms of tourism grouped into the three main types, which are associated with a series of specific activities (Table 2).

**Table 2.** Types and tourism activities determined by rivers from Mureş County

Type of tourism	Associate activities
Recreation and leisure	- water sports: canoeing, kayaking, rafting - sport fishing: stationary and dynamic - swimming
Curative	- body wellness
Polyvalent	- research expeditions

Following the identification of the hydrotourism potential related to the rivers in Mureş County, sectors can be delimited that can be exploited for tourism through a series of activities. The morphometric, quantitative and dynamic characteristics favour the practice of water sports, the qualitative, morphometric, dynamic and biotic (ichthyofauna) sports fishing, and the morphological, morphometric and quantitative characteristics facilitate an extreme form that combines swimming, climbing, abseiling, jumping techniques: canyoning. Water sports are divided into two categories: traditional (canoeing, kayaking) and white-water sports (rafting). Mureş, through morphometric, morphological, dynamic and quantitative parameters, offers the possibility of practicing the two forms, on the upper sector (upstream of Deda) for the latter form, and on the middle (Deda - Luduş) for the former. Kayaking can also be practiced on the upper course of Mureş (upstream of Deda). For the upper sector, where the slope is more pronounced, forms of “white water” (creek kayaking and rodeo kayaking) are practiced, while for the middle sector, forms of light lap and general recreation. Lap kayaking requires depths of at least 0.3 m and widths of at least 2-3 m.

Rafting requires sufficient amount of water to allow the buoyancy of the boat, high current speeds and high slope. In addition to the boat and oars (paddles), the practitioners of this sport must ensure appropriate protective equipment to protect them from possible dangers: life jacket, neoprene suit and helmet. The only water course that complies with international standards is the Mureş, with classes I and II at medium flows on the Ciobotani - Stânceni sector. In the specialized literature, these classes appear marked with the prefix WW (white water), starting from WW I to WW VI.

Fishing can be practiced stationary (on the water's edge) or dynamically by means of light boats or travelling through the minor bed. The conditions of this recreation and leisure activity are imposed by the targeted fish species, the available means (equipment, utensils, boat), the duration of the stay, the distance from the place of origin. There are several forms of fishing common to both types. Among the species characteristic of the analyzed mountain area, the most sensitive is the grayling, which is part of the Salmonidae family. It needs perfectly clean waters, strongly oxygenated and with irregular whites, which determines the presence of waves. Few water courses in the Mureş basin, within the limits of Mureş County, still meet these conditions and only in sectors.

Although at theoretical level there is a great similarity between the forms of tourism and the associated activities induced by running waters and lakes, the tourist offer related to the lakes in Mureş county is generous, as they can generate activities related to sports and spa fishing (Table 3).

**Table 3.** Types, forms and tourism activities induced by the lakes in Mureş County

<b>Type of tourism</b>	<b>Forms of tourism</b>	<b>Associate activities</b>
Recreation and leisure	Fishing	fishing: stationary and dynamic
Curative	Body wellness	Swimming for recreational purposes
Polyvalent	Professional and scientific	research expeditions

There are two epicenters with resonance in fishing activity: the ponds on Pârâul de Câmpie and Şes - the two being in direct connection and the succession of lakes on Pârâul Şar. On Pârâul de Câmpie there are the following lakes: Zau de Câmpie, Bujor 1 and 2, Tăureni I-IV, Săneri, Şaulia I-II, Miheşu I-III, Şes, Văleni, Răzoare. The Şar Stream includes the aquatic units Glodeni, Paingeni, Toldal and Farăgău.

Among the fish species, the most widespread are Cyprinidae family: carp, crucian carp, red bream, bream, bream, bream, and bream. Among the predators, pike, shad, perch and catfish stand out. Fishing is subject to legislative norms at national level and those specific to each aquatic unit administrator in particular, seeking to protect ecologically valuable species and stop poaching.

Bathing and swimming are practiced in the vicinity, respectively in lakes that do not have a strict protection regime or in those that do not have an economic exploitation regime. The water quality must correspond to a high grade, designated by the public authority in the field, popularized among the masses every summer season.

Forms and touristic activities associated with the curative type are related to the salt lakes of Sovata, cantoned in the diapir anticline of the same name, of anthropo-saline origin. The spa function is performed by Lake Ursu, in its vicinity there are balneotherapy units dedicated to the treatment of human ailments. Lake Aluniş is expected to receive flows of tourists, recently being arranged for bathing (Figure 4).



**Fig. 4.** Red Lake, Sovata

With anthropogenic origin, the salt lakes from Ideciu de Jos and Jabenita represent a local importance in the development of balneo - climatic tourism.

Multipurpose tourism involves scientific activities in lake areas in order to manage the balanced human-water resource interrelationship.

## **Conclusions**

To establish the categories of hydro tourism potential, the basin and sub-basin (hydrographical) taxonomic units were used, for easier detection in the QGIS spatial analysis program and to include elements of the bed morphology, intrinsic support attributes of a global hydro tourism approach, the morphological support of the substrate amplifying the attractive valences of the analyzed water resources.

Consequently, the category of special hydro tourism potential includes the Mureş valley and the Sovata sub-basin. In the case of the Mureşului valley, the special potential is given by the gorge sector that the river crosses between the towns of Ciobotani and Bistra Mureşului and the subsidence sector in the area of the domes and brachianticlines between Iernut and Cheţani.

The morphometry (slope, width and length) and morphology (gorge) of the bed provide support for the hydrological expression materialized by morphometric elements of the river water - depth, width, height of thresholds, morphological - rapids, waterfalls and dynamics - speed, currents. Considering the protection status that this river sector benefits from, the qualitative indicators regarding the physic-chemical and organoleptic properties give the gorge a higher quality category, a fact directly reflected in the richness of the fish stock, in the typology and degree of coverage with vegetation of the riverbanks.

In the second case, subsidence processes and structural relief cause pronounced meandering of the water course. The high degree of sinuosity, the abandoned meanders, the islands, the swamp vegetation, the steeps determined by the lateral erosion give this sector special hydro tourism attributes.



## REFERENCES

- [1] Sorocovschi V., (2007), *O încercare de evaluare a potențialului hidroturistic a Munților Apuseni*, în vol. “Dezvoltarea regională și multiculturalitate în Uniunea Europeană”, Editura Risoprint, Cluj – Napoca
- [2] \*\*\* (2012) *PATJ Mureș, reactualizare*, UBB Cluj, Facultatea de Geografie, Vol 1
- [3] Bătinaș R., Sorocovschi, V., (2011), *Resurse de apă. Potențial și valorificare turistică*, Editura Presa Universitară Clujeană, Cluj – Napoca
- [4] Alexe M., Șerban Gh., Fülöp-Nagy J. (2006) *Lacurile sărate de la Sovata*. Edit. Casa Cărții de Știință, Cluj-Napoca, 107 p.
- [5] Pop Gr. P. (1986), *Aspecte ale pisciculturii din Câmpia Transilvaniei*, Probleme de Geografie aplicată, Cluj-Napoca
- [6] Pop Gr. P. (2001 a), *Depresiunea Transilvaniei*, Editura Presa Universitară Clujeană, Cluj-Napoca
- [7] Sorocovschi, V. (2005), *Câmpia Transilvaniei - studiu hidrogeografic*, Editura Casa Cărții de Știință, Cluj-Napoca
- [8] Sorocovschi V., Imecs Z., Șerban Gh. (1996), *Trăsăturile cantitative și calitative a resurselor de apă din Câmpia Transilvaniei*, a II a Conferință Regională de Geografie, Timișoara
- [9] Szombat Z., Szabo J. (1997), *Avifauna eleșteelor de la Iernut (jud Mureș)*, în primii ani de amenajarea lor, în Marisia, XXV, studii și materiale, Studia scientiarum naturae, Târgu Mureș
- [10] Șoneriu I., Mac I. (1973), *Județele patriei. Județul Mureș*, Editura Academiei RSR, București

# Possibilities for the Development of Rural Tourism in Corund Commune

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## Abstract

Greater capitalization of the tourist potential could be achieved to highlight the many tourist attractions that Corund has. Investments, infrastructure developments and the promotion of tourist objectives can be made in a more "modern" manner, highlighting a well-planned tourist route.

*Keywords: tourism, touristic potential, development, proposals, perspectives*

## Introduction

Tourism represents the set of activities carried out by people, during trips and stays, in places located outside their usual permanent residence for a consecutive period not exceeding one calendar year, for leisure purposes, business, treatment, visits to friends and relatives, pilgrimage, studies, etc.

Rural tourism is a form of tourism that takes place in the countryside, exploiting local tourist resources (natural, cultural, and economic) as well as tourist facilities and equipment, including pensions and agro-tourism pensions. They use different accommodation spaces: inns and rural hotels, shelters, tourist villages, and farms and take various forms of stay with a wide spectrum of motivations: rest and recreation, transit, culture, knowledge, religion, practising some sports.

In the current conditions in which super industrialized and super sophisticated societies lose contact with nature and the origins of human society, more and more inhabitants of large human agglomerations want to spend a vacation in the middle of nature. The desire to relax in the middle of nature, in an unpolluted setting.

Tourist villages are well-established picturesque settlements, located in an unpolluted environment, preserving traditions and with a rich historical past, which, apart from their own political-administrative, social, economic, and cultural functions, perform seasonally or throughout the year the reception function and hosting tourists for an indefinite stay. However, the practice of tourism in rural areas, in rural areas, does not have to transform tourist villages.

Regarding the studied area, the existence of tourism potential being high, through its development, we can first affirm that there is a need for investment. The development of the tourist potential in this area consists of several criteria, such as the development of new routes for tourists, routes for cyclists and placing the value on the natural environment. The main objectives in Corund commune, are the anthropogenic elements, some of them are exposed to degradation, such as the springs, because often these places are vandalized.

## **Types and Forms of Tourism**

The notion of the type of tourist activity means the representation of a phenomenon, a process, which defines through its expression an attribute with its own and individual characteristics, and the type of tourist practice appears as a representative example of the tourist phenomenon, through an expression, form of presentation. [5]

The form of tourism helps us to understand this phenomenon through the emergence and development of society in a specific time and concrete territory. Each type of tourism has at its base a criteria support such as purpose, destination, duration, dynamics, habitat, and a human community under a motivational aspect.

In this commune, the most practised type of tourism is outdoor tourism, which includes cultural and sightseeing tours. Cultural tourism, is also called sightseeing tourism because it literally, presents a visit to an objective or a group of objectives, with the effect of recreation and knowledge. The economic efficiency of cultural tourism is the lowest among all existing types. Finally, in the commune, there is also an agro-tourism guesthouse, we conclude that there is also a type of agro-tourism, leisure tourism that is practised in an unorganized form and consists of spending part or all the time in an accommodation space in the countryside or the farm. In this case, the tourist is tempted to get to know it better and even integrate through it in different ways such as observing fauna and vegetation. [2]

The forms of tourism practised in this locality are not very varied, and according to the distance covered, they are in this case of short distance, where tourism is limited to short trips, lasting a few hours or up to a weekend. This form of tourism is sensitive to climatic factors, where “beautiful” weather is a very essential condition.

The average length of stay is a ratio between the number of days of tourist presence at a certain density and the total number of tourists present on the territory. [10]

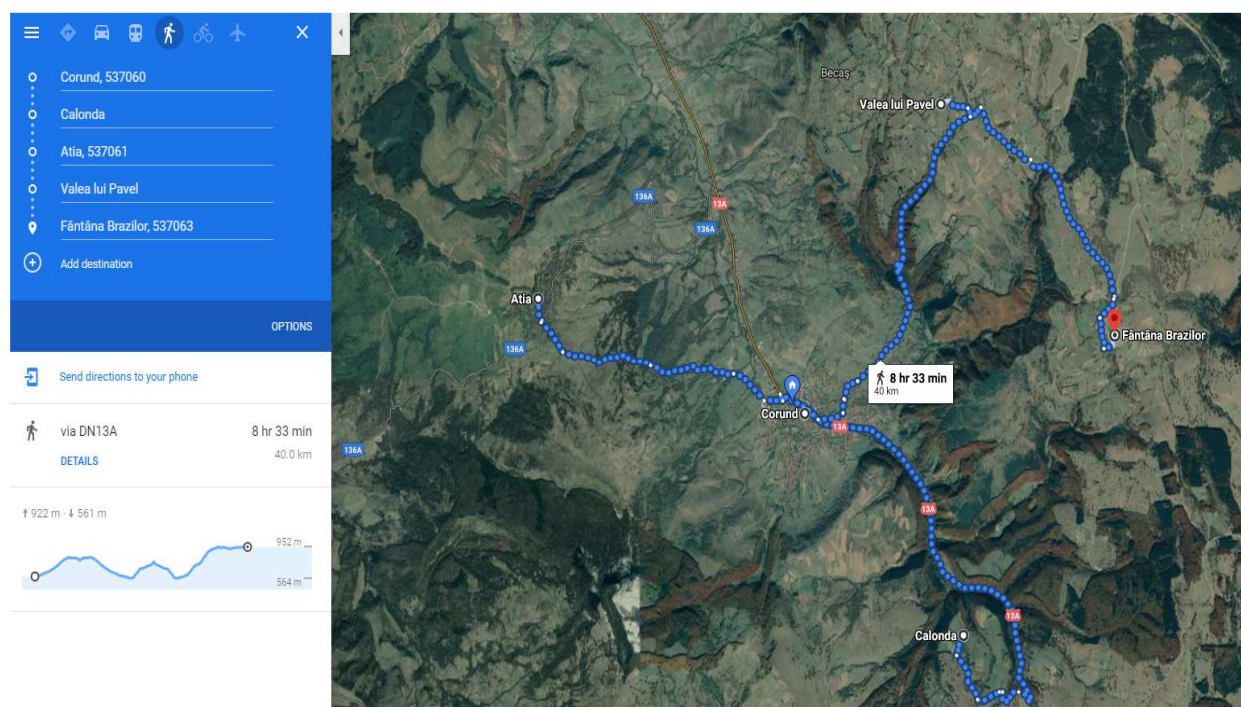
Because the studied area is a limited one, there is only one accommodation unit that reported the data to the NIS (National Institute of Statistics), but these were inconsistent, therefore a concrete analysis of the average stay cannot be made. But following the research in the field, I talked with the owner of the agro-tourist guesthouse, who estimated the average stay to be three days.

## **The Traditions Festival**

In the one that checks the festival with the tradition in the studied area, it must mention the fact that there is only one festival, namely. the current conductor of the marching band, Molnár Andor, music teacher in Corund commune, who oversees training the students.

The brass band is present at any event organized in the commune, there is also an annual festival of brass bands, to where guests from around the commune, from the county, plus guests from abroad are invited, thanks to the collaboration with the cities of Makó and Kiskunfelegyhaza in Hungary, which have an important music school. [9]

## Proposal for Creating a Tourist Route



**Fig. 1.** Proposed touristic route (<https://www.google.com/map>)

By creating a tourist route in the studied area, with google maps, and with its help, I managed to create a tourist route that can be traversed with the help of motorbikes (ATV, car) and even on foot. In the adjacent figure, the start is made from Corund, this route crosses the entire studied commune.

The route with a length of approximately 40 km, which can be covered in around 8 hours, visited the main objectives in this area, with the concept of hiking and eco-tourism.

Starting from Corund, towards Valea lui Pavel, and then to Fântâna Brazilor, returning to the locality, you can go to Calonda, which is a very beautiful place, and finally, it is a place where the natural environment dominates, which has a potential very high which is not capitalized enough. Then the road takes us back to the town of Corund, from where you can also visit the village of Atia with its tourist attractions. [3]

As a result of the studies and research have done, in this commune, there could be a well-defined route for tourists to visit the proposed objectives. However, I have concluded that by using technology and a well-thought-out idea, this can be achieved very easily.

First, I want to contribute to this route, with all its elements to visit, here are the following objectives from each separate village, from the commune studied.

### **Corund**

In the figure above (fig. 1), there are four sights to visit from the village of Corund, these being represented with colours such as red (Unitarian Church), blue (Selcului Hill), purple (Izvorul), and the one with brown (Aragonite Museum).

All the above does not require a certain “entrance amount”, starting from the fact that by visiting the area, I lived the experience with which tourists are received or simple visitors who want to observe these objectives more closely. Regarding them, it should be mentioned that there are also many so-called small houses, where you can buy souvenirs, paintings, sculptures and many ceramic objects, this area is a magnet for those who want to admire the art of this commune.

In the figure above, in the village of Valea lui Pavel, there is only one tourist element, the one nicknamed Palpataka, this is a very special place from several points of view because from here, those who wish can move further with carts harnesses

The tank at Fântâna Brazilor is located at an altitude of about 950 m in the central-western part of the Praid-Dealul volcanic plateau of the Gurghiu Mountains.[1]

Tinovul from Fântâna Brazilor was declared a Natura 2000 site in 2007. In specialized literature, it appears under the name Luc or Ruc, but among the locals, it is generally called Datka. Tinovul represents the westernmost pinewood tinov in the Eastern Carpathians. It is surrounded by a spruce forest. [4]

### ***Calonda***

The drilled stone of Corundum is in the village of Calonda, which is one of the sights to visit, which is not much appreciated. [4]

There is a legend that is told in such a way that it is believed that, even in the days when the Lord God created the world and the sea water flowed from the mountains and the hills became green, fairies descended from the sky to the top of the mountain. Once they settled down, they decided to build a castle for their queen where they could live happily ever after. Amid great urgency, the construction of the castle began beautifully.

The beautiful fairy princess was called Firtos, who had a sister named Tartod, who in turn was an evil perverted creature and always envied Firtos. Say that one day you consider him Firtos: until “... today I will build a more beautiful castle for all of you and on top of that I will take your foundation stone...”. [7]

Firtos Castle was completed the night before and the fairies were happy to put out fires and dance. But about midnight Tartod appeared with his evil fairies, and soon the foundation stone was removed. They drilled it and pulled it on an iron bar, then already flew with it to Tartod Castle. When they arrived above Corundum, a rooster was just crouching at midnight. From the cock, the rod broke in two and the stone fell. And the moment the stone hit the ground, Tartod's castle collapsed.

### ***Atia***

The village of Atia is a tourist attraction being visited by tourists from all over Europe, because of the sights that can be visited, the Roman Catholic Church, the Chapel of the Colors of God and because of the Szekler wooden gates.

As for the chapel, it is generally used for special events in the Roman Catholic religion, and for liturgies that are not held in the church. Every year the Roman Catholic faithful from the Atid village, and beyond, participate before the Easter Holidays and the Holy Liturgy on Christmas Day.

### **Conclusion**

As for the proposal for better exploitation of the tourist potential of the Corund municipality, it requires several elements and objectives to be reviewed and revisited. Tourism in the studied area must know a higher rate of development than the current one. The latest trends in spending free time emphasize the idea of a return to nature, to something more traditional, which is an important thing in development, especially in this studied area.

I must mention the fact that this commune could offer more than what is seen and is now, by offering more tourist attractions, including in terms of capitalizing on traditional objectives and elements.

In terms of more appropriate exploitation, there is a need for an identification towards originality regarding the area, and finally, promotion of it, through several “advertisements”,

through tourist centres, which are well set up and not in the last line through the online environment interface.

However, I mention the fact that everywhere in the world there is the concept of the relaunch, but this relaunch in terms of tourism must be very well thought out so that this area is not suffocated by the exaggeration of tourists for visiting.

For better capitalization, I thought of a redevelopment proposal and some new ideas, which could help the municipality of Corund to succeed in attracting tourists even better.

As a first idea about this area, the relief and hydrography can help to capitalize on the studied area even better, if it is put to good use. An idea would be, such as the creation of camping spaces and routes for cyclists, and in terms of hydrography, Târnava Mica being very close to the studied area, it could help to make even more excellent use of the area, by organizing more many riverside events, and sport fishing. In terms of development, I tried to build a cycling route that would help tourists feel closer to nature.

## REFERENCES

- [1] Grigor P. Pop (2012): Depresiunea Transilvaniei, ediția a II-a, revizuită și adăugată, Presa Universitară, Clujeană
- [2] Cocean P., (2004), Geografia turismului, ediția a II-a, Editura Focul Viu, Cluj-Napoca
- [3] Geografia României vol. III, (1987), Carpații Românești și Depresiunea Transilvaniei, Editura Academiei Republicii Socialiste România, București
- [4] Mândruț O. (1993), Geografia României (Geografie generală și regională), Editura Coresi, București
- [5] Cianga N. (2007), România. Geografia Turismului, presa universitară Clujeană
- [6] \*\*\*Enciclopedia de istorie a României (2000), editura Meronia București
- [7] \*\*\* Harghita Monografie (1979), editura sport-turism București
- [8] [www.cdep.ro](http://www.cdep.ro)
- [9] [comunacorund.ro/primaria/](http://comunacorund.ro/primaria/)
- [10] [www.insse.ro](http://www.insse.ro)

# Valuing the Tourism Potential of Turda Municipality

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## Abstract

Turda municipality owns great tourist potential, both natural and anthropogenic. Its valorization could lead to the development of the types and forms of tourism. These possible actions and projects will have both short-term and long-term effects, all in an attempt to exploit the tourist potential of Turda as optimally as possible.

*Keywords: tourism, touristic potential, development, proposals, perspectives, types, and forms of tourism*

## Introduction

The municipality of Turda has an important tourist potential, both natural and human. The natural tourist resources are mainly concentrated on the existing salt resource on the territory of the municipality, while on the anthropic side they target elements that date back to the Roman period (the Roman Potaissa fort), as well as elements of religious, civil and economic architecture. Turda Salt Mine clearly stands out in terms of tourist attraction, being one of the objectives recommended by National Geographic in 2010. [4][2][5]

The information regarding the tourism phenomenon provided by the National Institute of Statistics is essential for understanding how the tourism potential of the municipality is valorized and will be detailed in the following.

## Accommodation Unit

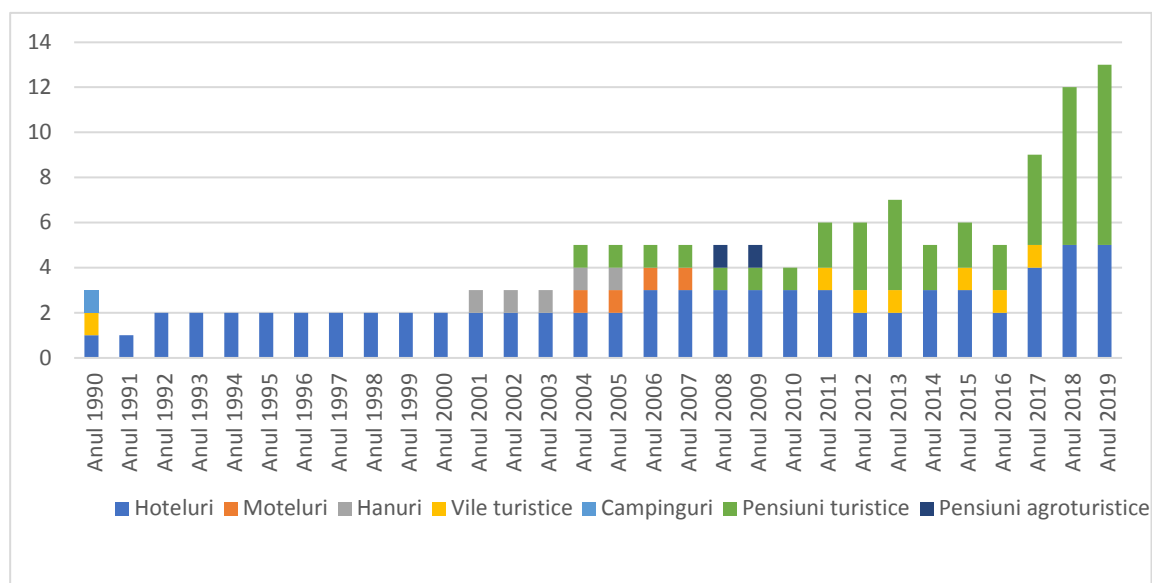


Fig. 2. Accommodation units in Turda Municipality

In the Turda Municipality, over the years, more accommodation spaces for tourists have appeared, reaching 2019 a number of 5 hotels and 8 tourist guesthouses. The graph below presents the existing statistics regarding accommodation facilities in Turda Municipality, between 1990-2019.

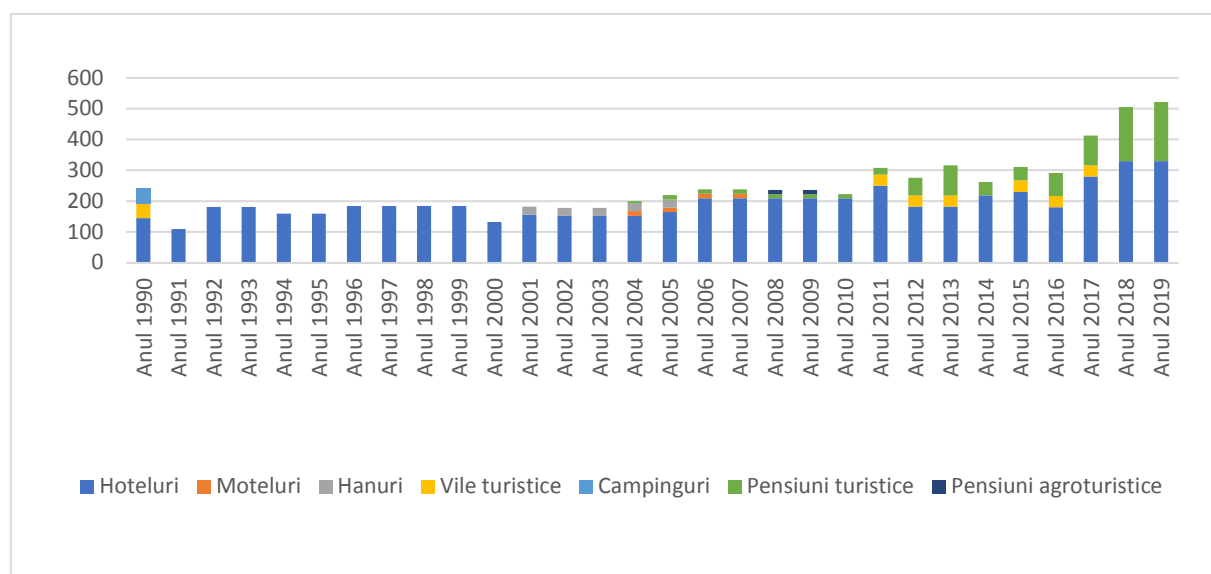
The diagram shows that in 1990 there was a hotel, a tourist villa, and a campsite, and in 1991 only one hotel remained. From 1992 to 2002, Turda has two hotels as accommodation base. From 2001 to 2005, inns appear, and motels are present from 2004 to 2007. Tourist guesthouses appear in 2004, as one in number, until 2010, after which their number is increasing, reaching year 2019 at eight guesthouses. Also, the number of hotels is starting to increase, reaching five hotels in 2019. [8]

### ***The Accommodation Capacity***

The accommodation capacity represents the number of accommodation places made available to tourists by the tourist accommodation units, registered in the last act of reception, approval, and classification of the accommodation unit.

The represented diagram shows the existing accommodation capacity from 1990 to 2019. The capacity of the number of places in hotels was increasing, reaching 145 places in the year 1990 to 330 places in 2019. [8]

**Fig. 3.** Accommodation units in Turda Municipality



**Fig. 4.** Accommodation capacity in Turda Municipality

Likewise, tourist guesthouses also had a significant increase, from 7 places in 2004 to 192 places in 2019. Turda being more and more populated, the accommodation capacity also increased to meet its needs. [8]

### ***The Number of Overnight Stays***

Tourist overnight stay is every night spent by a tourist or for which a tourist is registered in a tourist accommodation structure.

According to the diagram shown, the number of tourists is increasing between 2001 and 2004, from 31,342 tourists staying at hotels to 39,314 tourists at hotels, 3,325 at motels, 1,913 at inns and 105 at tourist guesthouses, which will decrease in 2006 quite dramatically (below the number of tourists from 2001). The year 2007 comes again with a high number of tourists, but not for long, because in the following year and until 2010 the number of overnight stays by tourists decreases (from 45,000 in 2007 to 27,000 in 2010). The year 2011 returns with a high



number of tourists, reaching again the number of 2007, but not for long, because in the following year the lowest number of overnight stays by tourists is recorded (a little over 16,000). After this year, tourists start to spend the night in Turda again, their number reaching very high in 2016 (to 63,000). [8]

Even if Turda Municipality has had ups and downs regarding the number of overnight stays by tourists, it ends up having a very large number in 2019, reaching a number of over 75,000 overnight stays.

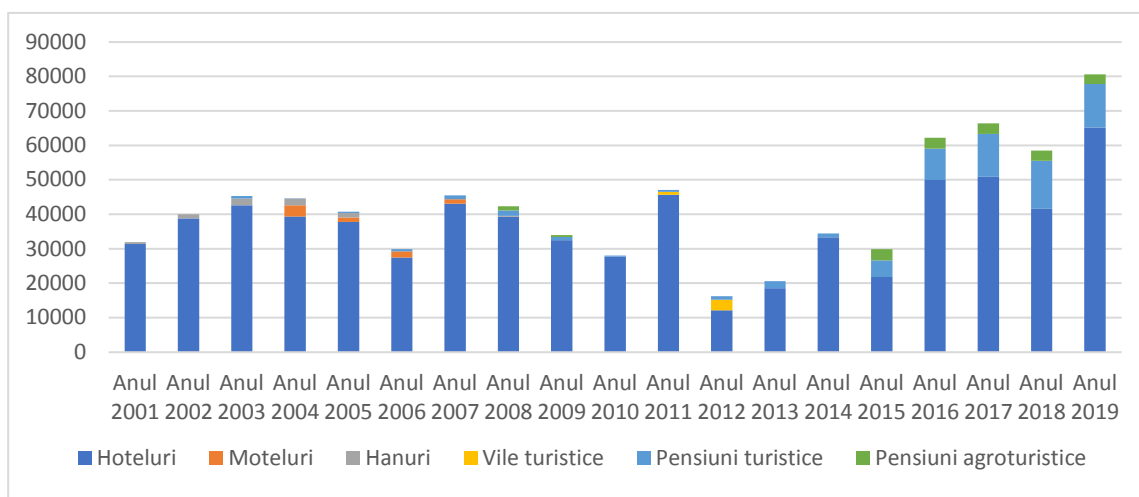


Fig. 5. Number of tourists in Turda Municipality

### Number of Tourist Arrivals (Per Month)

According to the analysed statistical data, Turda tourists prefer the summer months, but in 2019 they were in quite large numbers in October as well, this is a suitable month for visiting the Turda salt pan and being treated in it, due to the temperature. Their number has increased from year to year, with the summer months being the highest number of tourists and the winter months the lowest number of tourists.

We can also observe that in general tourists prefer accommodation in hotels, but their number also increased for tourist guesthouses in 2019.

### Types and Forms of Tourism Practised in Turda

Turda municipality has three types of tourism that are practised. It will be presented below, in random order.

The first of these is Health Care (curative) Tourism. This, in Turda, is practised in the salt pan, where various conditions are treated, such as respiratory problems. The ideal seasons for this type would be spring and autumn because winter is very cold in the salt pan, and in summer there are chances of illness due to the difference in temperature between the salt pan and the outside. The number of participants is smaller, being generally practised by older people. [1]

In this type, as a form of tourism, the distance of the tourists is long, the duration, although it should be an average one, for some more visible results, is a short one based on the data, the domestic origin, in terms of the number of participants, is individual tourism, the development of tourism is an organized one, the means of transport is road, and from a social point of view, it is participatory tourism, which imposes some higher costs.

Another type of tourism practised in Turda is cultural tourism. Due to the number of edifices, in Turda you have a lot to visit in this type, it captures you with the historical and cultural riches

it possesses, being also present and a history museum. It is aimed at enriching knowledge and recreation.

As forms of tourism, the distance travelled by tourists is generally long, the duration of the stay is short, the domestic origin, in terms of the number of participants, is generally group tourism, practiced more by pupils/students, which means that the rates are quite low, they are not involved in the organization, the road is used as a means of transport, and from a social point of view, tourism is a mass one.

Lastly, the type of recreation and leisure tourism is also practiced. This type comprises the largest number of participants, being practiced by all ages. Near the municipality, you can spend time relaxing at the salt baths, being 2 km from Turda and Turzii Gorge, which are 6km from the municipality, where you can have a real adventure, being full of mountain, climbing and climbing routes, full of small caves, which will give you a state of relaxation and pleasure, being surrounded by nature. [6][7]

Even if the Turda salt pan is also used for curative tourism, it is visited in a very large number by tourists for recreation and leisure, due to its complexity and at the same time its story, offering a state of relaxation thanks to the clean air present in it.

As a form of tourism, the duration is generally short, domestic origin, tourism, from the point of view of the number of participants, is both individual and can be a group one, the mode of operation is semi-organized and sometimes unorganized, the means of transport is road, and from a social point of view, it is a mass one.

Based on the data, I made an analysis to observe the average number of days that a tourist spent in Turda, in the years 2010, 2015 and 2019. After the mathematical calculation between the number of overnight stays and the number of arrivals, in 2010 a tourist spent an average of 3 days, in 2015, it ended up decreasing and spending an average of 2 days, and in 2019, it spent 2 and a half days on average.

## **Evaluation of the Tourist Potential**

Evaluating the tourist potential means knowing the spatial distribution of tourist resources in a certain territory and their tourist value. The evaluation of the tourist potential included:

We applied the methodology regarding the evaluation of the tourist potential in Turda Municipality, the results being represented below. Thus, for the first component: the natural setting (relief, geomorphology, vegetation, fauna, hydrography, landscape), natural therapeutic factors (therapeutic mineral waters, therapeutic lakes, skunks, etc.), protected natural areas (biosphere reserves, national parks, natural, other reserves and monuments) we awarded a score of 15 out of a maximum of 25 possible points.

Anthropogenic tourism resources (historical monuments, museums and public collections, folk art and tradition, performance and concert institutions, repeatable cultural events) were given a total of 19 points out of a possible maximum of 25 points.

The specific tourist infrastructure (accommodation units, treatment facilities, conference halls, exhibition centres, ski slopes, cable transport facilities, other agreement facilities) was given 10 points out of the maximum possible 20 points.

Technical infrastructure (Direct access to major transport infrastructure, provision of public services of communal household - building and telecommunications infrastructure) received 24 points out of the maximum possible 30 points. Thus, the municipality of Turda achieved 68 points out of the maximum possible 100 points.

**Table 1.** Evaluating the tourist potential of Turda municipality

Category	Criteria	Awarded score	Total
A. The natural tourist potential	A1. The natural setting	8 points	15
	A2. Natural therapeutic factors	6 points	
	A3. Natural protected areas	1 point	
B. Anthropogenic tourism resources	B1. Historical monuments of national interest	4 points	19
	B2. Museums and public collections	9 points	
	B3. Folk art and tradition	4 points	
	B4. Performance and concert institutions	2 points	
	B5. Repeatable cultural events	-	
C. Tourist specific infrastructure	C1. Accommodation units	6 points	10
	C2. Treatment facilities	2 points	
	C3. Conference rooms, exhibition centres	1 point	
	C4. Ski slopes, cable car stations	-	
	C5. Other leisure facilities	1 point	
D. Technical infrastructure	D1. Direct access to major transport infrastructure	10 points	24
	D2. Provision of public communal household services – Building infrastructure	9 points	
	D3. Provision of electronic communications services – Telecommunications infrastructure	5 points	
Total score - Out of the maximum 100 points, the municipality of Turda received 68 points, which shows us a slightly above-average value.			68

## Conclusions

After the modernization of the Salina, the municipality of Turda came to have an increasing number of tourists, most of them coming more for the salt pan (visits, treatment). The tourist potential, however, means more than that, which is why more investments in architecture from European funds should be made in order to be renovated and brought back to a very good condition (as the lapidary in the courtyard of the history museum was renovated). By combining all types of tourism that can be practiced in Turda, its exploitation can reach its maximum level.[3]

## REFERENCES

1. Armaş Iuliana, Damian R., Verga Mihaela, Horvath I., (2004), Saline integrate în circuitul turistic: Praid, Tg. Ocna, Slanic Prahova, Cacica, Ed. Cartea Universitară, vol. I, Bucureşti
2. \*\*\*, Geografia României III, (1987), Carpații Românești și Depresiunea Transilvaniei, Ed. Academiei Republicii Socialiste România, Bucureşti
3. Băcanu B., (2009), Management strategic în turism: concepte și studii de caz, Ed. Polirom, Iași
4. Juler Caroline, (2010), National Geographic, Traveler, România, Ed. Adevarul Holding, Bucureşti
5. Neacșu N., Băltărețu Andreea, Neacșu Monica, Drăghilă Marcela, (2009), Resurse și destinații turistice, interne și internaționale, Ed. Universitară, Bucureşti
6. Pop P., Gr., (2007), Județul Cluj, Ed. Academiei Române, Bucureşti
7. <https://primariaturda.ro>
8. <https://statistici.insse.ro>

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