

**THE CONTEST AMONG THE DECISIONS OF THE ROMANIAN
CONSTITUTIONAL COURT AND THE DECISIONS OF THE
ROMANIAN HIGH COURT OF CASSATION AND JUSTICE IN THE
RECOURSE IN THE INTEREST OF LAW**

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ABSTRACT: *This study raises a really important matter for the real functioning of the Romanian rule of law. Which of these two institutions - the Constitutional Court or the High Court of Cassation and Justice is called upon to solve a problem of law and the solution of which one can be applied in the practice of the courts?*

The study is based on a specific case, the legal conflict that arose from the uneven application of the constitutional provisions, and not only but also from the poor drafting of the Romanian Constitution in what concerns the limitation of competences regarding certain fundamental institutions for the existence of the rule of law.

KEYWORDS: *Constitutional Court of Romania, High Court of Casation and Justice, Recourse in the interest of law, Criminal Code of Romania, insult, slender, proof of truthfulness*

JEL CLASSIFICATION: *K10, K40*