

**PARTICULARITIES OF CRIMINAL LIABILITY OF PHYSICIANS
FOR CORRUPTION AND PROFESSION-RELATED CRIMES**

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ABSTRACT:*The hypothesis of committal of corruption profession-related crimes by physicians is a very disputed legal issue in Romania, as far as all the infringements regulated in Chapter I of Title V of the Special Part of Criminal Code can be committed only by civil servants in the sense of criminal law. The quality of “civil servants, in the sense of criminal law” of physicians, who are employed in the public medical health system in Romania, was settled by the High Court of Cassation and Justice, by Decision no. 26 of the 3rd of December 2014, and then by Decision no. 19 of the 4th of June 2015, and was reaffirmed by the Constitutional Court, by Decision no. 717 of the 29th of October 2015. Even if scholars are still doubting the quality of the Romania criminal law - referring the expressions “civil servant, in the sense of administrative law” and “civil servant, in the sense of criminal law” - in the view of article 1 paragraph 5 of Constitution, and its conformity with article 7 of the European Convention of Human Rights, in my opinion physicians, working for the public health system in Romania, are criminal liable at least for the infringements stipulated at article 289, 297, and 298 of the Criminal Code.*

KEY WORDS: *corruption and while in office infringements; civil servant in the sense of criminal law; physicians’ criminal liability; legal peculiarities of the medical act, case-law of the High Court of Cassation and Justice; case-law of the Constitutional Court*

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¹ <https://www.juridice.ro/464761/medicul-este-sau-nu-este-functionar-public.html>.