

**SUR L'INDÉPENDANCE DES JUGES ET LEUR SOUMISSION
SEULEMENT DEVANT LA LOI EN ROUMANIE EN VUE DES
PROPOSITIONS DE MODIFICATION DE LA LOI NO. 303/2004
SUR LE STATUT DES JUGES ET DES PROCUREURS ET LA LOI
NO. 304/2004 SUR L'ORGANISATION JUDICIAIRE**

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ABSTRACT: *At the International Conference in 2013 we presented a communication on "The organization of an independent justice - part of the rule of law mechanism" (Chiriac, 2013) in which we have advocated changes to make the independence of justice to be raised on the pillars that underpin the countless ECHR judgments: the prosecutor to become a state official rather than a magistrate, the prosecutor no longer to have the competence to prosecute judges, etc. In 2014 we again intervened in the International Conference with a new communication "Repetitio est mater studiorum" for „The independence of the judiciary, the impartiality and the liability of the magistrate” (Chiriac, The independence of justice, the impartiality and the responsibility of the magistrate, 2015) in which, by addressing the proposed topic, we developed it on the thesis on the magistrate's responsibility. In 2015 we rested the article entitled “Quod Erat Demonstrandum -About the responsibility and legal liability of the magistrates” on the institution of the legal liability in conjunction with the statute of magistrates. In 2016 analyzing the theme of the conference we asked ourselves through the article “Justice and democracy|” (Chiriac, About the responsibility and legal liability of the magistrates, 2016) if we didn't venture too much in the complexity of the philosophical and juridical tumultuousness in which we rushed in. Equality under the law cannot create two forms of responsibility, meaning that, some citizens should respond to their deeds, other citizens with certain functions in society may enjoy total immunity. Indeed, in order for justice to behave as a fully healthy body, it is necessary for the power of evidence to truly be independent, not subject to the exorbitant power of politics, or why not to the prosecutor power (criminal prosecution, special surveillance techniques)? Would it not be better for a judge wisely alone, with no one around to influence his judgement, to weigh twice and cut it once, knowing that his liability would otherwise take place? That is why, in the present paper, considering the proposals to amend the Law on the Status of Judges and Prosecutors and the Law on Judicial Organization in Romania, we will reiterate and develop some of the proposals which, in the opinion of the authors, will ensure the independence and accountability of the judge.*

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