

ABUSE OF OFFICE IN ROMANIAN LAW, A TWO-PART SYMPHONY

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ABSTRACT: *If in the socialist political regime, the abuse of office was a somewhat insignificant crime, either in the version against the interests of individuals or in the version against the public interests, the transition to a democratic political regime meant a real revelation in its proliferation, placed with hypocrisy like a bomb with a delayed effect, in the baggage of the jurisprudence of the courts. The criminal prosecution bodies were very skilful in this crime, which they used in any circumstance, whether they should or should not, in order to prove that they had not lost, with the "revolution", the force to act, the need to exist and to increase their own competence, removing any reasonable and proportionate relationship with social reality. Not infrequently, in the face of abusive legal constructions, the courts have come to a standstill, and they have tried with great determination to oppose any violation of the exercise of the rights and freedoms guaranteed by the European Convention. (Coman, 2017)*

With the appearance of Law no. 78/2000, regarding the acts of corruption, a new classification problem arises, such as the fact that we have two offenses of abuse of office, the aggravation regarding the particularly serious consequences also applies in the case of the offense of abuse of office under this law.

Abuse of office as an offense either in aggravated or attenuated form may have no other meaning than that which is objectively and reasonably justified, in resonance with the means employed and a legitimate aim pursued by the use of the principle nullum crimen sine lege nulla poena sine lege. (Blaj & Chiriac, 2018)

KEY-WORDS: *abuse of office; criminal law; incrimination; corruption*

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¹ Decision of the Romanian Constitutional Court no. 405 from 8 July 2016, paragraph 41, published in M.Of. no. 517 from 8 July 2016