

The Temptation of the Impossible: An Analysis of the Inevitable Link between the Criminal Law and other Branches of Law

- Habilitation Thesis -

Assoc. Prof. Dr. Andra-Roxana TRANDAFIR

Summary

The habilitation thesis presents the synthesis of the research and teaching activity developed after 2011, when I received my PhD degree in Law, as well as the main thoughts for the future in this respect. As guideline for the thesis, taking into account my professional activities and my areas of interest, I have used the link between criminal law and other branches of law, which have become indispensable for the correct comprehension of the regulations applicable in criminal matters: the civil law, civil procedure law, fiscal law, labor law, environmental law, insolvency law or family law.

The first part, dedicated to the main professional accomplishments, structured between the two main pillars (research activity and teaching activity), follows the most important three thematical domains I had in view up to this moment.

Regarding the **research activity**, first, I have summarized the *activities dedicated to the special part of the criminal law*. Within this section, I underlined the contributions brought especially in the field of criminal offences against justice and against family, especially by co-authoring the first detailed handbook in this field, already published in six editions. I also showed the other aspects I have researched, such as corruption offences, embezzlement, failure to declare some information, trafficking in human beings, negligent homicide and negligent bodily injuries, bloody injury, trespassing in professional offices or breach of trust.

Regarding the second component of the research activity, I have indicated the main activities I have performed in the field of *criminology*. Sometimes less related to legal sciences and closer to sociology or to the criminal policy in general, criminology remains a topic insufficiently studied in our country. During my professional career, I have tried to be involved especially in international research projects, in order to be in contact with the current state of art in this field and to be able to implement the concepts I became aware of within the activities I perform in Romania. Amongst such projects I can mention the ones dedicated to the causes and consequences of corruption offences, homicide, perception on death penalty, self-report studies amongst underaged persons or standardization of criminal statistics in Europe.

Concerning the *criminal liability of the legal persons*, I have shown the phases of my research in this field: initially the general presentation of this topic, then the detailed study of the case law, including the one of the European Court of Human Rights, followed by specific analysis of such domains, such as preventative measures applicable to legal persons, and, more recently, the integrated approach of this field in a handbook dedicated mainly to master students.

I have also indicated *other important research activities*, namely in the field of precautionary measures taken within the criminal trial or regarding the cancellation of

documents or annulment of acts, obtaining data regarding financial transactions and the financial situation of a person, criminal sanctions and their individualization etc.

I have also indicated how the research activity I've performed is relevant the context of the current state of the scientific research in the thematic domain of my specialty, at both international and national level for research domains having a national specific, highlighting, in a documented way, the relevance and the originality of the personal contributions. I hereby mention a great number of citations in books, papers or even court decisions, as well as the contributions meant to unifying the case law by drafting legal opinions upon request of the High Court of Cassation and Justice.

Concerning the **teaching activity**, I have shown the main methods used within the three disciplines I teach, as well as the other aspects relevant for this component of my professional activity, including the coordination of master theses, the participation in the commissions for guiding PhD theses or - at a different level - in the commissions for the admission to the legal professions.

I have shown in the habilitation thesis the way in which I permanently tried to involve in the activities I performed the students, master students and PhD students of the Faculty of Law of the University of Bucharest, by either coordinating them for research projects or by co-authoring presentations to scientific conferences or legal papers.

The second part of the habilitation thesis is dedicated to the main directions of my professional, scientific and academic career. This part is also divided between the two main pillars, in order to show the relevant aspects for both the research activity as well as for the teaching activity.

Briefly, I have shown I wish to continue *the current projects in the field of criminology and to develop the research domains* regarding the special part of the criminal law and the criminal liability of legal persons. I have indicated, in this sense, the topics I envisage for the next period, such as criminal offences having alternative content or alternative contents, an analysis of the legal object of criminal offences, the correct identification of the civil party within the criminal trial in case of criminal offences against life, a study on the art. 2 of the European Convention of Human Rights in connection to the direct responsibility of the State within the criminal trial, the solidarity in the criminal trial regarding the civil actions, the effects of assigning receivables to the insurer of the civil party taking into account art. 20 of the Romanian Criminal Procedure Code, the effects of the status of limitations on the labor law agreements etc.

Regarding the *teaching activities*, I have shown the perspectives in the field of *Criminal Law. Special Part II*, the modifications to be made following the decision that *Criminology* becomes an elective course within our Faculty, as well as the ways of improving teaching *Criminal Liability of Legal Persons*, all in the broader context of the changes brought by the COVID-19 pandemic.

As a conclusion, I have shown that, in the context of the last decade, when the technological evolutions have been spectacular, when many files have nothing to do with the "classic" hypotheses, but raise problems such as criminal offences perpetrated by using cryptocurrencies or, most recently, in Metaverse, the criminal law cannot stay blocked in the same concepts or regulations. The link to other branches of law - and sometimes to other sciences from other fields - becomes inevitable.