

Project Name: Constants of Criminal Law and  
Normative Identity of Romanian society (1939-1969-2009)

Financing Contract no. 33 / 29.04.2013

**SUMMARY SCIENTIFIC PROGRESS REPORT  
PREPARED FOR THE EXECUTION OF THE PROJECT IN 2016**

The research was conducted through a combination of individual and collective efforts of the team. Monthly team meetings were organized to assess progress in research of each team member and any difficulties encountered.

After analyzing the functional approach, realized in 2015, by showing the synthesis of formalistic approach of Dongoroz and Welzel's finalism in Contemporary German functionalist theory, the research conducted in the project opened up the prospect of a prerequisites for overcoming differences in perspective. The constants of (criminal) law and the normative identity of (Romanian) society are treated through the relationship between society and state. From the opposition between Carl Schmitt and Mircea Djuvara one can infer the impossibility of solving the relationship between the constants of law and the normative identity of society. The problem is solved through emphasizing the nature of constants of law as historical concepts, and its signification changes according to different eras, according to Kirchmann and Savigny.

In identifying, treating and working hypotheses in goals and travel contributed researchers:

**DOCUMENTATION**

I.1. Dr. Tudor Avrigeanu: documentation stage at the Max Planck Institute for foreign and international criminal law (Freiburg im Breisgau, Germany, 05 to 14 July 2016)

- Updating documentation and confirmation of working hypotheses regarding the comparative perspective by showing the synthesis of formalistic approach of Dongoroz and Welzel's finalism in Contemporary German functionalist theory;
- Confirmation of working hypotheses regarding the creation a system of general theory of crime on the coordinates of Romanian criminal law in force;
- Analyzing the nature of constants of law as historical concepts.

**PARTICIPATION AT CONFERENCES**

I.2. International Summer School - *Comparing Constitutional Adjudication: A Summer School on Comparative Interpretation of European Constitutional Jurisprudence*, Facultatea de Drept a Universității din Trento (Italia), 01 to 05 August 2016.

Tudor Avrigeanu: Third Panel Discussion – Antisystem political parties and the protection of constitutional order.

I.2. The International Conference: *Republica Moldova: 25 de ani de independență*, Academia de Științe a Moldovei, Chișinău, 07 to 09 September 2016.

**III. Dissemination of research results; completion of the performance criteria set for 2016**

### III.1. Articles published

III.1.1. T. Avrigeanu, De la Marx prin Stein spre Hegel? Ion Gheorghe Maurer și „constantele dreptului”, published in “Studii și Cercetări Juridice” nr. 4/2016 (Ebsco, Proquest)

III.1.2. T. Avrigeanu, Pandectism socialist și ordine socială. Traian Ionașcu, Eugen A. Barasch și „problema constantelor dreptului”, published in “Analele Științifice ale Universității Alexandru Ioan Cuza din Iași”, seria “Științe Juridice”. Tomul LXII, vol. II (HeinOnline)

III.1.3. T. Avrigeanu, Identitate socială și istorie conceptuală în drept, published in “Pandectele Romane” no. 12/2016 (Ebsco, Proquest, HeinOnline).

### III.2. Books published or forthcoming

III.2.1. Tudor Avrigeanu “Știința dreptului ca știință politică”, ISBN 978-606-673-757-9, Universul Juridic Publishing House, Bucharest, 2016

III.2.2. Tudor Avrigeanu (Editor) “German influences upon the Romanian law a comparative approach / Influențe germane asupra dreptului românesc: o perspectivă comparativă”, ISBN 978-606-673-756-2, Universul Juridic Publishing House, Bucharest, (forthcoming, March 2017)

III.2.3. Tudor Avrigeanu, «KONSTANTEN DES RECHTS». Zum Verhältnis zwischen Rechtsdenken und Gesellschaftsordnung in Rumänien, ISBN 978-606-673-975-7, Universul Juridic Publishing House, Bucharest, (forthcoming, June 2017)

For more details see <http://icj.ro/PNII-RU-TE-2012-3-0412-English-Version.html>

The performance criteria set for 2016 were fully implemented, with 3 articles in mainstream journals (BDI) - point III.1-3, and three books (two forthcoming 2017).