International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026

https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

Section I.
Comparative Public Law

Friday, April 24, 2026

Online on Zoom

Moderators:

Professor ***Cătălin-Silviu Săraru,*** *Doctoral School of Law, Faculty of Law, Bucharest University of Economic Studies*

Ph.D. student ***Claudia Ana Maria Stanciu,*** *Doctoral School of Law, Faculty of Law, Bucharest University of Economic Studies*

! Each paper will be presented within 10 minutes

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

SCIENTIFIC PAPERS

UNEQUAL KNOWLEDGE, UNEQUAL LAW: INTELLIGENCE ASYMMETRY IN COMPARATIVE PUBLIC LAW

PhD. researcher **Reza ABBASI**
Faculty of Law and Political Science, University of Szeged, Hungary

Abstract

This article addresses a problem of public law: the predictable gap between the intelligence relevant to public power and the ability of interested parties, legislatures, and courts to acquire and challenge that intelligence. The problem of such a gap — what we call intelligence asymmetry — is not a special case involving particular trade-offs between security and other values, but rather a regularly managed aspect of public law. Through a range of techniques that are recognized and utilized in all constitutional systems of law, those who possess and rely upon intelligence related to public power manage this problem in predictable ways. Part of this article is doctrinal and comparative legal research, examining constitutional and statutory law, mechanisms of oversight, and particular cases in the European Union, the United States, and the Islamic Republic of Iran. The article identifies similar patterns of behavior in the secrecy practices of these governments, tracing intelligence activity outside normal competence and organizational channels, offering procedural alternatives to adversarial testing of the facts, and constructing doctrines of evidence and justiciability that systematically shift the burden of proof to the parties least able to meet it. The upshot of these practices is to transfer further authority to security agencies and to limit judicial review, while monitoring the behavior of such agencies through bodies that have become partial epistemic substitutes for accountability. Formally general legal rules amount to unequal law when access to the facts and law relevant to legal adjudication is unequally distributed. This article explains why this is so, and outlines a set of "information due process" proposals designed to equalize access to the information that matters while respecting legitimate secrecy.

CONCEPTUALIZING THE ABSTRACT VICTIM – THE NATIONAL FINANCIAL SYSTEM AS THE PRIMARY INJURED INTEREST IN OFFENCES OF FRAUD AGAINST THE FINANCIAL INTERESTS OF THE EUROPEAN UNION

PhD. candidate **Nina MADJOVSKA NAUMOVSKA**
Faculty of Law, Goce Delčev University of Štip, Republic of North Macedonia

Abstract

This paper analyzes the criminological and victimological aspescts of the incrimination of fraud in the national legislation of Republic of North Macedonia, affecting the finacical interests of the European Union.The main objective of the paper is to elaborate how the relevant criminal offenses, targeting EU funds, manifest as economic crimes with the state as primary victim, and the citizens as indirect victims, on the other side. The research applie legal analysis, comparative study of EU and national legislation and review of criminological and victimological aprroach on public-finance related crimes. The findings of the paper indicate involving of complex

interaction between the offenders of these offenses, the state control mechanisms and legal frameworks, while highlighting the abstract nature of the victim and the urgent need of preventive and puntitve measures. Recognizing these offenses, through the criminological and victimological aspects is essential for designing effective policy, in order of protectiong the national and the financial interests of the European Union.

THE ANALYSIS OF SHARIA LAW THROUGH THE EUROPEAN COURT OF HUMAN RIGHTS AND THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

PhD. candidate **Chrysi MICHAELIDOU**
School of Law, Frederick University, Cyprus

Abstract

This paper explores the complex and often contested relationship between Sharia law and international human rights law, focusing on the jurisprudence of the European Court of Human Rights (ECtHR) and the framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It engages with the broader question of whether tensions between Sharia and human rights reflect a structural incompatibility, or whether they are better explained through differences in interpretation and institutional practice.The analysis adopts a comparative legal approach and examines key ECtHR decisions, including Refah Partisi v. Turkey, Molla Sali v. Greece, and Belkacem v. Belgium, alongside relevant international instruments and doctrinal literature on Islamic law and legal pluralism. Rather than treating Sharia as a monolithic legal system, the paper understands it as a plural and interpretative tradition. On this basis, it argues that compatibility with human rights is not fixed but depends largely on how Sharia norms are applied in practice. Difficulties tend to arise in contexts where such norms operate in a compulsory or exclusionary manner, particularly in relation to individual autonomy and gender equality. By contrast, where interpretative flexibility and institutional safeguards exist, elements of convergence with human rights standards may emerge. The paper concludes that the relationship between Sharia and human rights is inherently contextual, shaped by interpretative authority, legal design, and ongoing processes of reform.

C50 RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936: THE CONSTRUCTION OF GENDERED WORKING SUBJECTS IN UGANDA EMPLOYMENT LAW

PhD. candidate **Caroline Kalagala KANYAGO**
Faculty of Law, University of the Western Cape, South Africa

Abstract

The Uganda Employment Act has two main categories of workers: the workers who move with their families and those who do not. Although studies have revealed that these categories manifest mainly as male employees, how they were constructed has not been examined. Using Joan Scott's concept of gender as a question and archival data, this paper examines the construction of the employee who travels with their family. I found that the employee who travels with their family was constructed in the Uganda Employment Ordinance 1946 as a result of the incorporation of the provisions of the Recruiting of Indigenous Workers Convention, 1936 into the Uganda employment law. I argue that although the original aim was to prevent potential conflict between the Uganda Protectorate and the

Catholic Church of the Mandated Belgian Territory of Ruanda-Urundi over allegations of recruiting women and girls for "immoral purposes", the incorporation of the provisions of the Convention created a new legal subject — the male employee with an urban dependent housewife. Although the current legal subjects are gender-neutral, these findings help us understand how some of the rights in employment law in Uganda were constructed and why the working subject continues to manifest in the labour market.

THE RIGHT TO WATER: COMPARATIVE CONSTITUTIONAL TRENDS IN LATIN AMERICA

PhD. student **Enikő Emese OLÁH**
Doctoral School of Law and Political Sciences, University of Szeged, Hungary

Abstract

The objective of this study is to examine the legal evolution of the right to water as a third-generation human right, specifically focusing on its constitutional recognition within Latin American jurisdictions. As contemporary legal systems face increasing ecological pressures, this research explores how certain nations have elevated water access from a mere policy goal to a fundamental, enforceable right. The research employs a comparative legal methodology, analyzing constitutional texts and landmark judicial decisions from countries such as Bolivia, Ecuador, and Colombia, while contrasting these with international human rights standards. The results indicate that Latin American constitutionalism effectively bridges the gap between indigenous legal traditions and modern environmental governance, creating a "green" constitutional identity. The study concludes that these regional developments have significant implications for the global discourse on social rights, offering a transformative model for public law. By prioritizing human dignity over privatization, the Latin American approach provides a legal blueprint for addressing the contemporary challenges of water scarcity and social inequality in the 21st century.

MINORITY RIGHTS UNDER INTERNATIONAL LEGAL STANDARDS AND VIETNAMESE LAW: RECOMMENDATIONS FOR IMPROVEMENT IN VIETNAM

PhD. student **Van To Huu NGUYEN**
Faculty of Law and Political Sciences, University of Szeged, Hungary

Abstract

Minority rights refer to the rights that protect groups who are smaller in number and different in terms of ethnicity, language, religion, or culture from the majority population. Under international human rights law, these rights are widely recognized and protected, including the rights to preserve their culture, follow their religion, and speak their own language without discrimination. In Vietnam, minority rights are guaranteed by the Constitution and supported by various laws and policies promoting equality among ethnic groups and socio-economic development in minority areas. This paper examines international legal standards and Vietnamese law on minority rights, employing a doctrinal legal analysis combined with a comparative approach to assess the consistency between international norms and domestic regulations. The findings suggest that, despite significant legal recognition in Vietnam, certain gaps remain in legal clarity and implementation. The paper, therefore, recommends improving legal frameworks, strengthening enforcement mechanisms, and enhancing minority participation in decision-making processes to better alignment with international standards and ensure more effective protection of minority rights in Vietnam.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

ORGANIZATIONAL FAULT AS A DISTINCT AND AUTONOMOUS BASIS OF CORPORATE CRIMINAL LIABILITY: A COMPARATIVE ANALYSIS OF THE US, GERMAN AND EU MODELS

PhD. student **Markela ALIGIZAKI**
Doctoral School of Law, Faculty of Law, European University Cyprus

Abstract

The expansion of corporate criminal liability has produced divergent attribution models reflecting different conceptions of institutional responsibility. This paper addresses the central question whether organizational fault constitutes an autonomous foundation of corporate criminal liability or merely a point of convergence between derivative and structural models of attribution. Adopting a functional and normative comparative methodology, the study examines three influential frameworks: the US doctrine of respondeat superior, the German discourse on organizational responsibility and Verbandssanktionen, and the European Union model linking liability to lack of supervision or control by leading persons. The analysis focuses on how each system allocates institutional blame and reconciles enforcement effectiveness with rule of law guarantees. The paper argues that organizational fault represents a distinct and conceptually autonomous basis of liability, grounded in defective governance structures, compliance failures and systemic breakdowns in internal control. It contends that a principled model of corporate criminal liability must articulate clear criteria for identifying organizational failure while safeguarding proportionality, legal certainty and procedural fairness in transnational enforcement contexts.

FROM DOMESTIC LEGAL SYSTEMS TO INTERNATIONAL LAW: THE PROHIBITION OF ABUSE OF RIGHTS AS A GENERAL PRINCIPLE OF LAW

Research assistant **Aleyna KAPLAN**
Faculty of Law, Istanbul University, Turkey

Abstract

This article examines the doctrine of abuse of rights and its evolution from domestic legal systems to international law through a comparative legal methodology. It first analyses the conceptual foundations of the doctrine as an expression of the principle of good faith, emphasizing its role in limiting the exercise of rights when such exercise contradicts their social purpose or causes harm to others. The study then evaluates the treatment of the doctrine in civil law and common law systems, highlighting both explicit codifications and implicit doctrinal developments. Building on this comparative framework, the article explores the emergence of the doctrine in international law, focusing on its roots in Roman law and its relationship with principles such as good faith, equity, and reasonableness. It further examines the application of the doctrine in the jurisprudence of international courts and tribunals, including decisions of international judicial bodies and arbitral tribunals, as well as its consideration in the work of the International Law Commission. Finally, the article analyses the functional role of the doctrine within the international legal order, arguing that it contributes to the resolution of normative conflicts and the balancing of competing interests. In this context, the study concludes that the prohibition of abuse of rights may be invoked as a general principle of law and relied upon as a source in international legal reasoning.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

A COMPARATIVE STUDY OF THE VIETNAM-HUNGARY AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE OECD MODEL TAX CONVENTION

PhD. student **Ngoc Anh NGUY**
Faculty of Law, University of Miskolc, Hungary

Abstract

In international tax law, double taxation agreements (DTAs) are important instruments to allocate taxing rights between countries and eliminate double taxation on cross-border economic activities. This article conducts a comparative analysis of the 1994 double taxation agreement between Vietnam and Hungary, based on a comparison with the 1963 OECD model convention of the Organization for Economic Co-operation and Development. The OECD Model convention is considered an international standard for designing tax agreements. While the Vietnam-Hungary double taxation agreement maintains structural conformity with the OECD model, it also exhibits legal differences to ensure the tax sovereignty of each country. This article will utilize comparative legal analysis and textual analysis to examine the similarities and differences between the OECD Model convention and the Vietnam-Hungary agreement. The results illustrate that although the bilateral agreement adheres to the OECD standard framework, it proactively eliminates property taxes and strengthens the taxing rights of the source country. These differences reflect policy choices aimed at protecting Vietnam's tax base and financial sovereignty. At the same time, the study proposes recommendations to ensure a balance between the trend of international harmonization and the protection of national financial interests in the negotiation of future tax agreements.

FROM HARMONIZATION TO IMPLEMENTATION: THE GDPR IMPLEMENTATION GAP IN NORTH MACEDONIA

PhD. candidate **Imer ALIU**
Faculty of Law "Iustinianus Primus",
Ss. Cyril and Methodius University in Skopje, North Macedonia

Abstract

This paper examines the implementation of personal data protection in North Macedonia, focusing on the gap between formal alignment with the General Data Protection Regulation (GDPR) and its practical application. The analysis combines a legal review with empirical data from a 2025 survey of data controllers. The results point to a clear discrepancy between high levels of awareness and more limited operational capacity, suggesting the presence of a broader capability gap. This gap is particularly visible in areas such as risk assessment, transparency, and organizational accountability. At the same time, institutional constraints affecting the supervisory authority contribute to a largely reactive model of oversight. These findings indicate that legal harmonization alone is not sufficient to ensure effective data protection, highlighting the importance of stronger institutional capacity and a more proactive regulatory approach.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

AGENCIFICATION AND FUNDAMENTAL RIGHTS IN THE EU'S BORDER MANAGEMENT

PhD. candidate **Amira NAMOUCHI**
Doctoral School of Law and Political Sciences, University of Szeged, Hungary

Abstract

This paper examines the EU's border management agencies as a manifestation of multi-level governance within the European Union's migration governance system. The paper traces the development of EU agencies within the Area of Freedom, Security and Justice, with particular focus on Frontex from its establishment in 2004 through the landmark reforms of 2016 and 2019. It employs doctrinal analysis to demonstrate how successive crises, including the 2015-migration influx, catalyzed both the operational expansion of Frontex and a heightened emphasis on fundamental rights compliance through the 2019 reform. I further evaluates the accountability and monitoring mechanisms introduced to this end while critically assessing their limitations in terms of transparency and effective oversight. The paper concludes that agencification, while enhancing operational capacity and coordination, simultaneously deepens the complexity of accountability within EU border governance, raising unresolved questions about the balance between institutional autonomy and democratic responsibility.

CLASHING FIRST-ORDER JUS COGENS: HOW THE ICJ AND ILC DRAFT CONCLUSIONS HAVE LEFT UNANSWERED THE HIERARCHY BETWEEN CONFLICTING JUS COGENS NORMS

PhD. student **Sifiso MADI**
Faculty of Law, University of the Western Cape, South Africa

Abstract

Jus cogens norms are considered superior norms from which no derogation is allowed. Initially, their existence was debated but the International Law Commission's 2022 Draft Conclusions provided the most authoritative restatement, stating that they are "fundamental values of the international community". According to Kolb and others, jus cogens are in two orders, namely, first order norms (substantive) and second order norms (procedural). The ICJ in its judgments has distinguished and decided on conflicts involving substantive and procedural jus cogens, but has avoided answering, let alone providing a hierarchy, when there is a clash between two substantive jus cogens. This has created a legal lacuna, especially when there is a clash between the prohibition on the use of force and the prohibition on genocide. This paper employs a doctrinal and historical analysis of the jus cogens norms concept and the shift of international law towards human security to illuminate this gap. It highlights how this gap is conspicuously avoided by the ILC and ICJ due to political sensitivities and/or the potential abuse of a hierarchy. Nevertheless, these justifications are not satisfactory, especially during a veto-gridlock; this paper proposes a hierarchy prioritising the protection of civilians from severe irreversible harm.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

THE PRINCIPLE OF SEPARATION OF POWERS IN THE REPUBLIC OF NORTH MACEDONIA

PhD. candidate **Shadija BANTASHOSKA**
Doctoral School, Faculty of Law,
Ss. Cyril and Methodius University in Skopje, North Macedonia

Abstract

This paper examines the principle of separation of powers in the Republic of North Macedonia through its theoretical foundations, constitutional development, and institutional practice. It begins with an overview of the basic forms of state power theory and the main models of governance, including presidential, parliamentary, and mixed systems, as a framework for understanding modern constitutional organization. The study then focuses on the constitutional and historical development of North Macedonia and the structure of state authority, emphasizing the legislative, executive, and judicial branches. Particular attention is given to the organization and functioning of these branches, as well as the role of the Constitutional Court in ensuring constitutional control and balance. The aim of the research is to assess the implementation of the separation of powers and the interaction between state institutions. The study is based on a doctrinal legal method, supported by analysis of constitutional provisions and relevant legal doctrine. The findings show that, although the Constitution formally establishes separation of powers, institutional interdependence and overlaps exist in practice. The paper concludes that judicial independence and institutional balance are essential for the effective functioning of constitutional democracy.

GREEN JOBS AND LABOUR REGULATION: A COMPARATIVE ANALYSIS OF SUSTAINABLE EMPLOYMENT CONTRACTS IN FRANCE AND GERMANY

PhD. student **Asmaa MEKKAOUI**
„Ferenc Deak" Doctoral School of Law, University of Miskolc, Hungary

Abstract

This study examines sustainable employment contracts within the context of green jobs through a comparative analysis of France and Germany. The main objective is to explore how labour legislation in both countries integrates environmental goals with social and occupational standards. The research adopts a qualitative comparative method based on the analysis of policy documents, labour laws, and reports from European and international institutions. The findings show that France emphasizes social sustainability by promoting gender equality and non-discrimination in employment, while Germany prioritizes occupational sustainability through strict worker safety regulations and strong industrial frameworks. These different approaches reflect complementary models of sustainable labour governance within the green economy. The study concludes that sustainable employment contracts require a balanced integration of environmental responsibility, social inclusion, and worker protection. The implications suggest that policymakers should adopt a multidimensional approach to labour regulation to ensure long-term stability, fairness, and resilience in green labour markets.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

HUMAN RIGHTS DUE DILIGENCE IN AUTHORITARIAN CONTEXTS: THE STRUCTURAL IMPOSSIBILITY OF PROTECTING FREE EXPRESSION IN HIGH-RISK JURISDICTIONS

PhD. student **Oueslati BALKIS**
Doctoral School of Law, University of Szeged, Hungary

Abstract

Human rights due diligence (HRDD) frameworks, as codified in the UN Guiding Principles on Business and Human Rights (UNGPs) and operationalized through the EU Corporate Sustainability Due Diligence Directive (CS3D, 2024), assume that corporations can identify, prevent, and remediate adverse human rights impacts through procedural governance. This article interrogates that assumption in the context of freedom of expression, arguing that systemic state repression of speech creates a condition of structural impossibility for HRDD. Three arguments are advanced: first, the cause-contribute-direct-link taxonomy is inadequate to capture diffuse expressive harm in closed autocracies; second, due diligence logic is incoherent when the host state is simultaneously a rights violator and a regulatory authority; third, existing frameworks lack a market exit doctrine. These arguments are examined through case studies on Hungary, Tunisia, and Vietnam. The article proposes a tiered analytical model calibrated to regime type and calls for legislative reform, introducing conditional exit thresholds into mandatory HRDD regimes.

LEGISLATIVE AND JURISPRUDENTIAL ASYMMETRIES IN CORPORATE POLITICAL EXPRESSION: A COMPARATIVE STUDY OF AMERICAN AND EUROPEAN LAW

PhD. candidate **Andra-Oxana CENAN-GLĂVAN**
West University of Timisoara, Romania in cotutelage with the University of Turin, Italy

Abstract

This paper examines the constitutional foundations of corporate political expression in the United States and Europe, identifying the structural asymmetries that produce divergent regulatory outcomes across the two jurisdictions. Drawing on a qualitative doctrinal analysis of the First Amendment, Article 10 ECHR, and Article 11 of the EU Charter, alongside a quantitative review of case-law from the US Supreme Court, the ECtHR, and the CJEU, the paper maps four core points of divergence: the identification of the primary democratic threat, the role of content neutrality, the treatment of economic power asymmetry, and the preferred judicial methodology. The findings demonstrate that American jurisprudence, organised around speaker neutrality and scrutiny-based review, broadly insulates corporate expression from regulation, while the European proportionality framework openly weighs expressive freedom against pluralism, electoral fairness, and competing public interests. These foundational differences extend beyond speech doctrine, conditioning the regulatory latitude available in adjacent domains, including consumer protection, competition law, and strategic litigation. The paper concludes that the divergence between the two systems reflects competing constitutional visions of democratic legitimacy, and that this fault line will remain consequential as corporate communicative power continues to expand.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

CONVERGENCE OR CONFLICT? COMPARING THE PROCEDURAL STANDARDS OF REFUGEE PROTECTION UNDER THE EUROPEAN COURT OF HUMAN RIGHTS, EUROPEAN UNION LAW, AND THE 1951 GENEVA CONVENTION

PhD candidate **Andra Bianca IACOB**
Doctoral School of Law, Faculty of Law, Lucian Blaga University, Romania

Abstract

Human migration is a natural and complex concept, which is why it is difficult for governments to control societies. From the perspective of the legal system, cross-border movement is closely linked to international refugee law, national migration law, and other regional norms. All of these are used in concordance with the provisions on the protection of human rights. This paper aims to provide a comparative analysis of how three frameworks protect refugees and non-European migrants: the jurisprudence of the European Court of Human Rights, EU asylum law, as shaped by the Court of Justice of the EU, and the Geneva Convention. Both rights are grounded in the 1951 Refugee Convention, which defines "refugee" and guarantees the principle of non-refoulement. Over time, the Strasbourg system has strengthened human protection through judicially developed procedural guarantees. While EU law has codified common standards in a private interpretation and introduced subsidiary protection for people who do not qualify as refugees, but who nevertheless face serious harm. The study argues that these legal systems of protection largely overlap in their basic concepts and principles. Where tensions arise, they are usually reflected in the implementation of protection in Member States under social and migratory pressures.

THE APPLICATION OF THE PRINCIPLE OF LEGALITY IN THE CONTEXT OF OFFENSES COMMITTED THROUGH ARTIFICIAL INTELLIGENCE SYSTEMS

PhD. student **Sorin-Constantin LICĂ**
Doctoral School of Law, Faculty of Law, Bucharest University of Economic Studies, Romania
Police inspector **Gabriel-Iulian CHIRILĂ**
"Alexandru Ioan Cuza" Police Academy, Romania

Abstract

The accelerated integration of artificial intelligence systems into social and economic activities generates complex challenges for the coherent application of the principle of legality, as enshrined in Articles 1 and 2 of the Romanian Criminal Code. This paper assesses whether the current legislative framework ensures the level of predictability, clarity, and accessibility required by nullum crimen, nulla poena sine lege when offenses are committed through or facilitated by autonomous or semi-autonomous systems. Methodologically, the study employs a combined doctrinal analysis of Romanian substantive criminal law, a comparative examination of relevant European regulatory developments, and a case-based analytical approach to hypothetical scenarios reflecting the interaction between human conduct and algorithmic decision-making. The research also utilizes methods of systematic interpretation of legal norms, correlating Articles 1–2 and 16 of the Criminal Code with constitutional standards on foreseeability and with emerging EU-level normative instruments pertaining to AI. The results indicate that the current incrimination techniques within Romanian criminal law insufficiently capture the specific risks arising from algorithmic autonomy, particularly regarding the subjective element of the offense (forma de vinovăție) and the attribution of liability where human control is partial, indirect, or mediated by opaque algorithmic processes. The absence of explicit legal provisions addressing conduct involving AI creates interpretative uncertainty as to the

delimitation of imputability and the precise legal characterization of actions executed or materially influenced by autonomous systems. The implications are significant: without legislative refinement, the gaps identified risk undermining the constitutional function of the legality principle, generating unpredictability for practitioners, and potentially leading either to overextension or unjustified restriction of criminal liability. The study proposes interpretative guidelines and outlines possible legislative adjustments aimed at ensuring a coherent alignment between the legality principle and the emerging technological realities, thereby safeguarding both individual rights and the effectiveness of criminal justice policy.

CRIMINAL LIABILITY OF LEGAL PERSONS IN COMPARATIVE LAW: CONDITIONS OF LIABILITY IN ROMANIAN AND ITALIAN LAW

Ph.D. student **Andrei Daniel NICOLAU**
Doctoral School of Law, Faculty of Law,
Bucharest University of Economic Studies, Romania

Abstract

The recognition of the criminal liability of legal persons represents one of the most significant developments in contemporary criminal law, determined by the complexity of economic relations and the need in particular to combat economic and financial crime. Although most legal systems currently recognize the possibility that collective entities may be sanctioned for committing or being involved in criminal acts, the conditions under which they can be held liable, as well as the nature of the liability, differ considerably from one system to another. This paper analyzes the conditions of liability of legal persons in the Italian framework alongside Romanian law. The analysis will identify the differences regarding the methods of imputation, as well as the convergences and divergences between these systems. Last but not least, this study highlights the conceptual differences as well as the strengths of each legal system analyzed, identified through the comparison of both strengths and weaknesses.

CONSTITUTIONAL TRANSPLANT OR CONSTITUTIONAL IRRITANT?

PhD. student **Georgian Ionuț STAN**
Doctoral School of Law, Faculty of Law,
Bucharest University of Economics Studies, Romania

Abstract

This article aims to examine the phenomenon of constitutional borrowing in relation to two major theoretical concepts: the theory of legal transplantation formulated by Alan Watson and the concept of the legal irritant developed by Gunther Teubner. The study seeks to determine which of these theories more adequately explains constitutional borrowing, using two case studies: the Islamic Republic of Pakistan and the Republic of Lebanon. The study employs a combination of scientific analytical methods, including the logical method, the comparative method, and the historical method. By applying methodological tools, the study aims to determine whether constitutional developments in the Islamic Republic of Pakistan and the Republic of Lebanon confirm the model of legal transplantation or, conversely, whether the borrowed constitutional norms function rather as "irritants."

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

EXCISE DUTY ON SUGAR-SWEETENED BEVERAGES AS POTENTIAL STATE AID

PhD. student **Livia-Daniela MOCAN**
Faculty of Law, "Nicolae Titulescu" University of Bucharest, Romania

Abstract

The paper examines whether, in its current form, the excise duty on sugar-sweetened beverages introduced by Law No. 296/2023 may lead to the classification of the measure as State aid for non-taxed beverages, from the perspective of Article 107(1) TFEU. The analysis starts from the declared objective of the national regulation, namely the strengthening of the State's financial sustainability, in the absence of any explicit reference to public health objectives or to reducing sugar consumption. In this context, the criteria for classifying a fiscal measure as State aid are examined, with particular emphasis on the existence of a selective advantage resulting from the non-taxation of certain products. The study also takes into account, from a comparative perspective, the reform of the soft drinks tax in Finland and the assessment carried out by the European Commission in Decision SA.104131 (2024/N), highlighting the importance of consistency between the objective of the fiscal measure, the reference system, and the justification for differentiated treatment. The conclusion underscores the subtle distinction between fiscal policy measures and State aid, as well as the necessity of a clear justification for exemptions from taxation to avoid classification as selective advantages.

THE NEW MAGNA CARTA: THE CRYSTALLIZATION OF DIGITAL RIGHTS FROM A GLOBAL PERSPECTIVE

PhD. student **Claudia Ana Maria STANCIU**
Doctoral School of Law, Faculty of Law,
Bucharest University of Economic Studies, Romania

Abstract

This study examines the transition from classical constitutionalism to the digital era, focusing on the legal configuration of a new Magna Carta. By evaluating a diverse spectrum of global initiatives — ranging from Brazil's pioneering „Marco Civil da Internet" to the „Digital Rights and Freedom Bill" of Nigeria and the Philippines' „Magna Carta for Internet Freedom" — the research identifies a universal trend towards digital codification. This comparative analysis culminates with the European Declaration on Digital Rights, which represents the most comprehensive framework for protecting individual dignity against algorithmic dominance. Following the theoretical contributions of Danielle K. Citron, Edoardo Celeste, and Oreste Pollicino, the research evaluates whether these instruments function as a „digital habeas corpus". The study employs a combination of scientific analytical methods, including the comparative, historical, and logical methods. By applying these methodological tools, the research aims to identify a transition from traditional constitutional protection of fundamental rights to a multi-jurisdictional data sovereignty model. While „soft law" mechanisms are emerging into „hard law" across different jurisdictions, a global consensus is forming around algorithmic accountability and the protection of digital rights.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

REASONABLE DOUBT AS A STANDARD OF LEGITIMACY. A COMPARATIVE ANALYSIS OF JUDICIAL REASONING IN CRIMINAL PROCEEDINGS

PhD. candidate **George-Gabriel BOGDAN**
Faculty of Law, Nicolae Titulescu University of Bucharest, Romania

Abstract

The research focuses on three different jurisdictions, namely United Kingdom, Italy and Romania, that have three different epistemic systems: jury-based system, sitting judge-based system, and the mixed tension generated by the standard's integration in the Italian legal framework. As such, the objective is to separate the concept from a vague and elusive field and to point out and describe the way it is used, be it by using a probabilistic reasoning, a criterion for coherent narrative of the chronological facts, or a rhetorical formula. Also, we intend to verify if the standard operates as a judicial methodology for analysis and deduction for proof evaluation, or, on the contrary, as a post factum legitimization standard. The conclusion is that, despite identical legal naming in all three legal jurisdictions, it does not yet fully provide an evident and concrete reasoning methodology for the judiciary, in order to move from evidence to conviction. Furthermore, across all three jurisdictions, the judiciary tend to use it more as a mechanism of legitimacy of the court's findings, post factum, than as a structured epistemic instrument, which points toward the need for a more explicit theory of evidentiary reasoning as a distinct direction for future doctrinal research.

THE SUPERVISORY JUDGE AND THE EXECUTION OF PENAL SENTENCES A COMPARATIVE ANALYSIS BETWEEN ROMANIA AND ITALY

PhD. student **Adrian Cristian PALEA**
Doctoral School of Law, Faculty of Law,
Bucharest University of Economic Studies, Romania

Abstract

The concern for the legality of serving prison sentences, for ensuring and respecting human rights and dignity in the penitentiary system, materialized in specific international recommendations transposed in national regulations for each country and for each penitentiary system. Both Romania and Italy are Latin countries and they share not only cultural and historical features, but also public policies and regulation, including in the field of criminal law. In the matter of control and legality of penitentiary sentences, both Romania and Italy have established a special jurisdiction institution - the supervisory judge for the penitentiary system, that in Italy is known as "Magistrato di sorveglianza" and in Romania is defined as "Judecătorul de supraveghere". As we can observe, even the title of the institution that supervises prison sentences in these two countries is similar. This paper examines the role of the supervisory judge in the execution of custodial sentences through a comparative analysis between the Italian and Romanian legal systems. It argues that the execution of custodial sentences is not merely an administrative process, but a legal one, in which judicial control plays a decisive role in ensuring the effective protection of inmates' rights. This research recreates the map of imposing and developing the special jurisdiction of the supervisory judge for the penitentiary system and drives a comparative analysis of subsequent regulations and procedures, highlighting similarities, special features and differences, as well as public policies and good practices for both penitentiary systems. The results indicate that, while both systems recognize the importance of judicial oversight, the Italian model reflects a more consolidated and functionally complex structure, whereas the Romanian

system remains in a process of institutional consolidation. The paper also emphasizes the necessity of strengthening internal judicial mechanisms in order to transform international human rights standards into concrete realities within imprisonment.

LIMITS AND SAFEGUARDS OF ADMINISTRATIVE DISCRETION IN COMPARATIVE LAW

PhD. student **Ana-Maria Călina BĂLȚĂTESCU**
Doctoral School of Law, Faculty of Law, University of Bucharest, Romania

Abstract

The paper examines, from a comparative law perspective, the normative framework governing the exercise of administrative discretion, with the aim of identifying the legal limits and institutional safeguards designed to prevent arbitrary decision-making. The analysis starts from the premise that administrative discretion is an indispensable instrument that enables public authorities to adapt to the complexity of contemporary social realities, while its exercise must remain consistent with the principles of legality, proportionality, equal treatment, and the protection of individuals' subjective rights. The comparative study integrates doctrinal and jurisprudential developments from the French, German and Romanian administrative legal systems, with particular attention to the structuring of discretionary authority, the obligation to state adequate reasons, the operation of indeterminate legal concepts and the judicial standards governing the review of discretionary administrative action. The paper examines both the internal limits of discretion, derived from the general principles of administrative law, and the external safeguards, such as judicial review, the protection of legitimate expectations and the requirements of decision-making transparency. The conclusions demonstrate a convergent tendency across legal systems to reconcile administrative flexibility with the imperatives of legal certainty in the context of the profound transformations affecting contemporary public administration.

COMPARATIVE LAW ASPECTS REGARDING THE CRIMINALIZATION OF DEFECTIVE CONSTRUCTION EXECUTION

PhD. candidate **Snejana CIOCHINĂ**
Doctoral School of Legal Sciences and International Relations,
University of European Studies of Moldova, Republic of Moldova

Abstract

The conducted scientific research is distinguished by a comparative analysis of the specific features of the criminalization of defective construction execution, from both a theoretical and normative perspective. Taking as a reference point Article 257 of the Criminal Code of the Republic of Moldova, the study examines the conditions under which defective construction execution attains criminal relevance, depending on the nature of the technical violations and the consequences produced. The general objective of the research is to identify the defining elements of this offence by reference to the content of the legal norm and the particularities of the construction sector. In this context, the study addresses the difficulties of legal qualification arising from the technical nature of the breaches. From a comparative law perspective, legislative solutions from other legal systems, particularly Romanian law, are analysed in order to highlight relevant benchmarks for the application of the criminal norm in this field.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

COMPARATIVE ANALYSIS OF AI GOVERNANCE: THE EUROPEAN UNION AND EMERGING GLOBAL TRENDS

PhD. candidate **Daniela DUȚĂ**
"Acad. Andrei Rădulescu" Institute of Legal Research of the Romanian Academy,
School of Advanced Studies of the Romanian Academy (SCOSSAR), Romania

Abstract

The rapid advancement of artificial intelligence technologies has intensified the need for a shared understanding of priority areas in international governance. This paper provides a comparative analysis of AI governance, focusing on the European Union's regulatory model in relation to emerging global trends. The study examines the extent to which the European Union's approach, characterized by a risk-based regulatory framework, diverges from or aligns with international initiatives and soft law instruments. Particular attention is devoted to the interaction between binding legal norms and non-binding guidelines, as well as to the role of international cooperation in fostering regulatory convergence. Methodologically, the research employs a comparative legal analysis of key legislative instruments, regulation, and international frameworks related to AI governance. It evaluates normative structures, public consultation processes, and implementation mechanisms across different jurisdictions. The paper further explores the development of safe, secure, and trustworthy AI systems, alongside the protection of human rights, particularly privacy and data protection. It also assesses how principles such as transparency, accountability, and human oversight of AI systems are reflected in international legal standards. The findings indicate an emerging trend toward regulatory convergence, driven by shared ethical principles and the transnational nature of technological challenges. This research contributes by highlighting the legal implications of this convergence and assessing the potential for harmonized international AI governance, emphasizing the role of comparative law in bridging regulatory gaps.

ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

PhD. candidate **Cristina-Ileana (LAZEA) MIHĂILĂ**
Doctoral School of Law, Ecological University of Bucharest, Romania

Abstract

Access to justice in environmental matters constitutes a fundamental procedural guarantee for ensuring the effectiveness of the substantive right to a healthy environment. The present study analyzes the multi-layered legal framework governing this field, starting from its essential premise – access to environmental information (Pillar I of the Aarhus Convention). It analyzes the two-sided nature of the information obligation (active and passive) and the limits imposed by the principle of confidentiality. Subsequently, the study examines the foundations of the right of access to justice (Pillar III), anchored in the Romanian Constitution (art. 21 and art. 35), and correlates them with international reference standards (the European Convention on Human Rights and the Aarhus Convention). Beyond the theoretical underpinnings, ***the current study*** *delves into the operational mechanisms established by GEO no. 195/2005 and maps the evolving judicial perception in Romania relative to other European jurisdictions, providing a synthesis that leads into several de lege ferenda propositions.*

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

THE NEED FOR SANCTIONING ANTI-COMPETITIVE PRACTICES IN THE EUROPEAN UNION

PhD. candidate **Aurelian Gheorghe MOCAN**
Doctoral School of Law, Nicolae Titulescu University of Bucharest, Romania

Abstract

The topic that we propose for analysis is of particular importance from the perspective of the necessity, as the sanctions that we find in the primary legislation and in the other sources of EU law, namely the decision-making practice of the European Union, the jurisprudence of the European Union courts and the general principles of European Union law. At the level of each Member State of the European Union, it is recognised that it is necessary to sanction anti-competitive practices, with the caveat that these States have adopted different legislative solutions regarding the nature of the sanctions to be applied to the companies involved. The research method is primarily concerned with documentation, but also with the analysis of relevant aspects. From the perspective of the study's results and implications, we highlight the advantages of fair competition, which benefit producers of goods and service providers through pressure to innovate and technological development, and consumers through competitive prices.

CASE LAW OF THE CONSTITUTIONAL COURT OF ROMANIA REGARDING CHALLENGES TO THE CONSTITUTIONALITY OF THE PROVISIONS OF ARTICLE 26 OF LAW NO. 489/2006 ON RELIGIOUS FREEDOM AND THE GENERAL REGIME GOVERNING RELIGIOUS DENOMINATIONS

PhD. student **Daniel FODOREAN**
Doctoral School of Law, Bucharest University of Economic Studies, Romania

Abstract

This study highlights and analyzes the decisions of the Constitutional Court of Romania regarding the exception of unconstitutionality of the provisions of Article 26 of Law No. 489/2006 on religious freedom and the general regime of religious denominations, with a focus on understanding the rights and limits of the internal disciplinary system of religious denominations in relation to the legal order in Romania. The objective of this study is to analyze the content of the Constitutional Court's decisions, seeking to capture, on the one hand, the evolution of the interpretation and application of the right to religious freedom in recent years in Romania, and, on the other hand, the manner in which religious (cultic) liability is balanced against various forms of legal liability (civil and criminal). The research is based on a classical legal methodology, combining doctrinal and normative analysis with case law analysis and the evolutionary, historical-legal method. By presenting and interpreting Romanian constitutional case law on religious law, the study helps correct the perception that there are two parallel legal systems and that the autonomy of religious denominations implies exemption from the legal system's jurisdiction.

International Workshop of Doctoral Students in Law
"Contemporary Challenges in Comparative Law"
- 1st edition -
April 24, 2026
https://doctorat.ase.ro/1st-international-workshop-of-doctoral-students-in-law

THE LIMITS OF THE VAT NEUTRALITY PRINCIPLE: THE DISTRIBUTION OF TAX RISK BETWEEN THE STATE AND THE TAXPAYER IN THE CASE-LAW OF THE CJEU

PhD. candidate **Bogdan FLOREA**
Doctoral School of Law, West University of Timişoara, Romania

Abstract

The study aims to investigate the balance between a taxable person's fundamental right to fiscal neutrality in VAT matters and the Member States' obligation to protect budgetary revenues, specifically determining how fiscal risk is allocated between the public treasury and the taxpayer. Employing a comparative and analytical legal method, the research contrasts the judicial logic of the Court of Justice of the European Union (CJEU) regarding VAT deductions with national administrative formalism by dissecting landmark cases such as Fatorie, Farkas, and Greentech. The results demonstrate that the "Reemtsma remedy" — an exceptional mechanism grounded in the principles of neutrality and effectiveness that allows a taxpayer to recover erroneously paid VAT directly from the State when recovering the amounts from the supplier has become impossible or excessively difficult — does not constitute a State guarantee against the insolvency of private partners, but functions strictly as an instrument to correct the State's unjust enrichment when traditional recovery paths are blocked. The study highlights the role played by national judiciaries as protectors of fiscal justice, ensuring a necessary equilibrium between strict procedural formalism and the underlying economic substance of taxation, thereby preventing administrative overreach and securing the actual financial intent of legislation.

THE COMPETITION BETWEEN MITIGATING AND AGGRAVATING CAUSES IN ROMANIAN CRIMINAL LAW

PhD. student **Elena-Irina RAHIMIAN**
Doctoral School of Law, Faculty of Law,
Bucharest University of Economic Studies, Romania

Abstract

The competition between mitigating or aggravating causes is regulated by the legislator in art. 79 of the current Penal Code, presenting a much more concise formulation compared to that existing in art. 80 of the previous Penal Code. Criminal law literature uses the notion of "mitigating or aggravating causes" as a complex notion, which includes both the circumstances that are closely related to the crime committed by the perpetrator, namely the mitigating and aggravating legal circumstances, as well as certain circumstances that, although unrelated to the committed act, have an influence on the seriousness of the act and on the degree of dangerousness of the offender, these being known as mitigating circumstances or aggravating circumstances. In the situation where, in the same case, the court retains one or more mitigating circumstances and/or one or more aggravating circumstances in the work of individualizing the punishment, there is a competition between the mitigating and aggravating causes.