

LEGISLATIVE DEVELOPMENTS IN POST-REVOLUTIONARY ROMANIA. WEAKNESSES. POSSIBLE SOLUTIONS

Virginia VERDINAS¹

Abstract. This article aims to analyze the developments in the regulatory system in Romania post-revolutionary period. It is structured on two major coordinates, namely: constitutional evolution and the one of the primary regulatory levels. The objective of the study is to reveal those weaknesses which have been produced over the time on the practice of law-making, both in terms of how to interpret the Constitution and its revision and on the exercise by the Government, under legislative delegation, of the task of adopting simple ordinances or emergency ordinances. There are highlighted the excesses observed in this matter, which led to the transformation of the exception in rules and vice versa. The message of the study is to be aware of such situation, the negative effects that it has on the rule of law and to identify solutions to eliminate them in the future, including those that the study itself proposes.

Keywords: enactment, Constitution, review, organic law, ordinary law, simple ordinances, emergency ordinances, legislative delegation, legislative gaps, rule of law.

1. Introduction

After 40 years of totalitarian regime, Romania opened, in December of 1989, the gates of another type of political and legal system. This was done with sacrifices of human lives.

With hope and confidence in equal measure. The significance of this moment for Romania's fate also results from the fact that the fundamental law enshrines in par. (3) of its first article, that *Romania is rule of law, a democratic and social state, where human dignity, rights and freedoms, justice and political pluralism are supreme values guaranteed in the spirit of the democratic traditions of the Romanian people* and of **the Revolution of 1989**. We note that **the revolutionary moment 1989 was elevated to the rank of constitutional value**, which gives it special values, both legally and politically equally. The period of over 25 years that have elapsed was one of some fundamental mutation in the legislative, whose development and meaning we will analyze below. In drafting this study we considered the views expressed in legal doctrine, contained in the selective

¹ PhD. of Law Faculty from University of Bucharest, associate member of Scientists Academy. The author is member of the Romanian Court of Accounts and President of the Administrative Science Institute „Paul Negulescu” (Email: virginia.vedinas@rcc.ro)