

RULE OF LAW, SECURITY AND SUSTAINABLE DEVELOPMENT IN ROMANIA

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***Abstract:** This paper focuses on the importance of rule of law in ensuring security and sustainable development with a special accent on national justice system, starting with the basic level of security, the individual one and continuing with the State level, within the Romanian justice system is organized.*

***Keywords:** security, sustainable development, rule of law, human rights, criminal law, national justice system, individual security, state' security.*

1. Definition of security and legal standards governing security of the state and the individual. Institutions that guarantee individual and national security

National security in general and individual security, in particular, were in ancient times one of the main objectives of the successive governments. But what is security? Defining security has aroused great interest for scientists in various fields, such as legal, economic, social, cultural, environmental, etc..

Although there have been several approaches to formulate a single definition that includes all the elements included in the term "security", none of them could cover all areas of application.

An accepted definition in the literature is given in the glossary regarding Religion and Security in Europe in the XXI century, where is considered that security *"means a situation in which a person, group of persons, state, alliance, following specific measures taken individually or in*

* Attorney.

*concert with others, acquires certainty that the existence, integrity and fundamental interests are not endangered."*¹

So, given this definition, and Abraham Maslow's pyramid, we conclude that **security is a fundamental human need**² and, as a result, both national legislation and in the international security has a central role.

In Romania, national security, and therefore the individual has an extensive regulatory, sometimes perhaps too broad. We mention in particular the Law no. 51/1991 on Romania's national security, but also the fundamental law of the country, not least the draft Penal Code adopted by the Government in February 2009.

According to article. 1 of Law no. 51/1991 on Romania's national security: *"Through its national security means the state of legality, balance and social stability, economic and political existence and development necessary Romanian national state, as a sovereign, unitary, independent, indivisible, maintaining the rule of law and the exercise environment Unlimited rights, freedoms and duties of citizens, according to democratic principles and norms provided by the Constitution. "*

This generic definition was considered at the Special Part of Title X of the New Criminal Code "offenses against national security". The name was changed to the current Title I of the Special Part of the Criminal Code of 1968, "offenses against state security", as this forms the present, begins to be outdated and inconsistent with the evolution of the concept of security as it is perceived today compared to 1968 when it was published in the criminal Code which appear the words state security.

Based on this transformation of the concept of security, a future national security law, it will be defined in the following terms: *"The national security of Romania's state of the nation, a social community, citizens and the state, based on economic prosperity, legality, balance and stability socio - political, expressed by the rule of law and secured by shares of economic, political, social, legal, military and diplomatic information in order to exercise the rights and freedoms unhindered, full manifestation of*

¹ Buța Viorel, Ion Emil, Dinu Mihai-Ștefan, *Religie și securitate în Europa secolului XXI, Glosar de termeni*, Editura Universității Naționale de Apărare, București, 2007, p. 399.

² Traian Pigui, *Securitatea economică și securitatea globală*, in *Colocviu Strategic* nr. 10, august 2004.

freedom of decision and action of the state, its fundamental attributes and quality of subject of international law. "³

Where we refer to strict security in terms of legal principle expresses that citizens must be protected against a threat that comes from the law even against an insecurity that created it right or it may create it and includes the following main requirements: retroactivity law, the availability and predictability of the law and ensuring uniform interpretation of the law.⁴

State institutions that typically provide security, Romania, and are perceived as part of the national defense system, are expressly provided for in art. 6 of Law no. 51/1991 on Romania's national security, as follows: "State agencies with responsibilities in national security are: the Romanian Intelligence Service, Foreign Intelligence Service, the Protection and Guard Service and the Ministry of Defense, Ministry of Interior and Ministry of Justice, through specialized internal structures. Work to achieve national security is organized and coordinated by the Supreme Council of National Defense."

Article 119 of the Constitution also governing: "The Supreme Council of National Defence Unit organizes and coordinates activities concerning national defense and security, participation in maintaining international security and collective defense in military alliance systems and actions to maintain or restore peace."

From the legal point of view, state institutions that ensure legal compliance of the individual, that the principles which constitute legal, are police stations and offices attached to courts, the courts, the High Court of Cassation and Justice, Constitutional Court, the Romanian Parliament and Government.

I believe that these are the relevant institutions to care for the individual legal compliance as:

- Romanian Parliament and Government have a duty to ensure that the principle of accessibility and predictability of the law is respected;

³ Buneci Petre, Drimer Cleopatra, *Drept Penal, Partea Specială, Note de curs*, Universitatea Ecologică București, 2012, p. 8.

⁴ Predescu Ion (Judge at the Constitutional Court), Safta Marieta (assistant chief magistrate), *Principiul securității juridice, fundament al statului de drept. Repere jurisprudențiale*, in Buletinul Curții Constituționale Nr. 1/2009 (<http://193.226.121.81/publications/buletin/8/predescu.pdf>)

- Police departments and prosecutors' offices and courts aim to ensure that in any case the law in force in respect of the principle of non-retroactivity of the law;

- High Court of Cassation and Justice has as main objective to ensure uniform interpretation of the law.

Internationally, enforcement of legal certainty is achieved by the European Court of Human Rights and the European Court of Justice, which is the only institution able to decide on the principles of law relating to the individual's legal.

2. Human security and the role of institutions in ensuring the right to welfare, education and basic needs, like food and health

In addition to legal and national security of the individual, as they have been shown in the previous paragraph, an important place is represented by the human security, which includes a number of rights and freedoms set out in the Universal Declaration of Human Rights and were taken into national law in Title III, Rights, Freedoms and Duties of the Constitution as follows:

- **Individual rights** – the right to life and to physical and mental integrity, protection from torture, inhuman and degrading treatment or punishment, protection against racial, ethnic, sexual, religious, and so on;

- **Legal rights** – access to legal means to prevent the violation of fundamental rights, protection against arbitrary arrest, and so on;

- **Civil liberties** – freedom of expression, thought, conscience and religion, information, and so on;

- **Subsistence rights** – the right to food and basic standards of health and welfare, the right to health, and so on;

- **Economic rights** – the right to work, rest and recreation, and so on, and

- **Political rights** – the right to vote, the right to be elected, the right to associate yourself etc.

In the literature, in an attempt to create a comprehensive definition of security has also held that:

"Security means that the benefits they have reached people in expanding their opportunities and capabilities are protected by improve current arrangements social, economic, political. Security is based on a

broad social acceptance – based on sustainable institutions - the rights and obligations of men. "⁵

Consequently, human security, a full set of state institutions should work together with the same purpose: human security, and the individual must occupy a central place in any collective or union state.

Therefore, in order to effect any sustainable development strategy should be primarily aimed at providing human security because human development can not be achieved without ensuring human security.

Sustainable development and human security concepts are related, there is a link between more than obvious that makes possible the development of a domain to expand the possibilities for the evolution of the other, namely that each of these two concepts are built around the human individual and his main areas of activity.

Human security involves the sustainable development because it has as prerequisite that individuals can exercise their options, rights and freedoms safe without the risk that the opportunities enjoyed by a certain time will be lost, withdrawn or spent the day.

3. Definition of sustainable development strategy and national institutions involved

The official definition of sustainable development was formulated by the Brundtland Report in 1987 and is regarded as "The kind of development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

In accordance with the concept of human development we discuss about four basic elements⁶: equality - which requires equal access to opportunities; sustainability - seen as the responsibility for the resources of future generations as well as for those of the present generation; productivity potential of human resource development in order to create a social and economic environment that allows the individual to reach their full potential; sense decision, meaning that individuals strive for a level of

⁵ V. Bobiuc, *Securitatea României o perspectivă europeană. Strategii XXI. Viitorologie. Geopolitică. Strategii operaționale*, București, 1997.

⁶ Mihai GAVRIL, *Corelația dintre performanțele sectorului agricol și securitatea alimentară*, în *Perspective ale securității și apărării în Europa*, vol.3, Editura Universității Naționale de Apărare, București 2009, pp.15-19.

personal development that would allow them to exercise choices based on their desires in the broader existing opportunities.

In Romania was adopted in 2008 the National Strategy for Sustainable Development of Romania 2013-2020-2030 which set the target of reducing global swift socio-economic disparities between Romania and the other Member States of the European Union and details the specific objectives of the trial on six priority areas that integrating direct and / or indirect short-term requirements of sustainable development and the environment:

- To increase the competitiveness and economic development;
- Bringing European standards of basic infrastructure;
- Priority on protecting and improving the environment;
- Improving and more efficient use of human capital;
- Development of rural economy and increasing productivity in agriculture, forestry and fishing;
- To diminish disparities between regions and within them.

For the implementation of these strategic objectives for sustainable development of short and medium term is equally necessary to involve Romanian Government through the Ministry of Economy, Ministry of Finance, Ministry of Transport, Ministry of Environment and Climate Change, Ministry of Education, Ministry of Labour, Family and Social Protection for the Elderly, Ministry of Agriculture and Sustainable Development and the Ministry of Regional Development and Public Administration, and local authorities the latter being able to find directly the issues and have their inclusion on the list of priorities.

4. Conclusions

Every state should have as main objective national and human security and incorporate these objectives into national sustainable development strategy, institutions in the field providing the necessary resources to ensure the right to welfare, education and basic needs, food and healthcare to all its citizens, a legal framework that respects the principle of social equity, so institutions to be able to apply to a wide and diverse range the strategies adopted at national level.



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INTER-CONDITIONALITY RELATION BETWEEN SECURITY AND SUSTAINABLE DEVELOPMENT

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***Abstract:** The emergence of human security concept in the last decades leads to new nuances in the academic debates regarding security.*

Placed, in this paper, in a direct relation with the sustainable development concept, security is approached starting with the individual level of security, following implications to regional and international level.

***Keywords:** security, public support, energy resources, conflict interstate, internal crises.*

1. Introduction

Starting from the idea that the security environment in the second decade of the XXI century is becoming increasingly complex and the threats that must face both the human individual and states as major actors on the international scene, in this article we address the link between security and sustainable development, taking into account the concept of human security. Given the sources of power of the states, we address the idea of sustainable development beyond its ideal value of all mankind, relating at a structural level contemporary human problems and their causes, causes that can also affect the security of all states dimensions that characterize it.

2. Sources of State Power and Security

The various transformations of the concept of security have obviously occurred due to changes in the international arena. Considering the Cold

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