



THE 14<sup>TH</sup> EDITION OF THE INTERNATIONAL CONFERENCE  
EUROPEAN INTEGRATION  
REALITIES AND PERSPECTIVES

**The Youth of Today - The Generation of the Global  
Development**

**The Personalization of Political Communication in Social Media Era. Case  
Study: Gabriela Firea, The Mayor of Bucharest**

**Adina-Loredana Dogaru-Tulică<sup>1</sup>**

**Abstract:** Social media era brought a major change in the way politicians communicate online with their voters. Social platforms are bringing politicians closer to people and communication is now more interactive and more personalized. The paper examines how a woman politician, the mayor of Bucharest, the capital city of Romania, uses social media to promote personalized messages in daily political communication during an ordinary period of office. Politicians use personalized communication in the online environment to transmit both personal information about family life, religious orientation, personal experiences, and to disseminate information of public interest that has not been made public by traditional media. This fades the boundary between what is public and what is private. There is a broad agreement on the fact that the personalization of the political message must be studied as a multidimensional phenomenon (Holtz-Bacha et alii, 2014; Nave, N. et alii, 2018) being “a natural consequence of transformations at the level of political and media systems, at the level of society and public culture” (Toader, 2017) transforming politicians into “intimate strangers” (Stainer, 2007). The research analyzes the personalized messages on the Facebook page of Gabriela Firea, the mayor of Bucharest, between 1<sup>st</sup> of July and 31<sup>st</sup> December 2018 on quantitative criteria, as well as the reactions of the online public and is part of a larger research work that approaches the triad of women political leadership, social media (Facebook) and political communication from a multidisciplinary perspective.

**Keywords:** political message; Facebook; individualization; social media reactions;

## 1. Introduction

Social media brought a major change in how politicians communicate online with their voters. Social platforms bring politicians closer to people and communication is now more interactive and personalized. Politicians are exposed to public space both as professionals and as private individuals. Social media, especially Facebook, highlights politicians as individuals rather than as members of a political party, thus causing the political arena to embrace personalized communication, providing the context that favours the personalization of the political message.

Political communication is becoming more personalized, politicians seem to choose a role to play and “the image of politician prevails in relation to the personality of the politician”. Politicians prefer to improve their public image and citizens come into contact more with “virtual realities” and less with face-to-face politicians. (Fârte, 2004/2005, p. 106) Social media allows emotional connection with users

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and generates authenticity around a political leader, so he is perceived as trustworthy, authentic, and close to citizens. (Enli, 2015).

Also, social media has introduced in the political communication the notion of permanent campaign. Although many previous research has shown that the online efforts of politicians and parties are largely centered around electoral periods, Strömbäck considers that “campaigns are permanent, with varying intensity” (Strömbäck, 2007, p. 54), which resonates very well with the services offered through social media and more specifically through Facebook.

## **2. The Professionalization of Political Communication and Personalization of the Political Message**

Professionalization of political communication as a relatively new concept is analyzed by theoreticians in different socio-historical contexts. The idea of professionalism first appears at Max Weber as a distinction between the occasional politicians, the people who were politicians as their secondary occupation and the professional politicians. Citizens are considered to be occasional politicians when they vote, participate in a rally and hold a political speech. Those who support and participate in the political struggle, popularize candidates’ speeches, are militants of the political party are included in the category of politicians as secondary occupation and those who live exclusively from politics and “have qualified in the struggle for power and in the methods of this struggle” are professional politicians (Weber, 1926 apud Toader, 2017). Camelia Beciu states that the process of professionalization characterizes the current political communication and the interest was awakened by the “process of modernization of the electoral campaign and political visibility practices” (Beciu, 2011, p. 232).

Most of the studies define professionalism by focusing on the technical aspect, which is “a permanent process of self-refinement and change to result more efficient ways of achieving the activities, whether it is to win elections, reach consensus, gain support for certain policies, or effective governance.” Professionalization was the result of the decrease in number of people who want to become members of a political party as well as the changes in voters behavior that are pragmatic, “willing to not vote for the same political family each time.” (Papathanassopoulos, Negrine et al, 2007, apud Beciu, 2011)

Starting from these changes, politicians and parties are adapting their type of communication, adding to the bourgeois ideological communication, emotion and narrative, trying to make it attractive. This trend is defined by Florența Toader as a “complementary tendency to professionalize political communication and consists of personalization”, making appeal to emotions or the cultivation of negative campaigns, manifested in media discourse as “marketing effect, potentiated by web 2.0 emergence, becoming the constituent of the new medium of communication.” (Toader, 2017).

### **2.1. The Personalization of Political Communication**

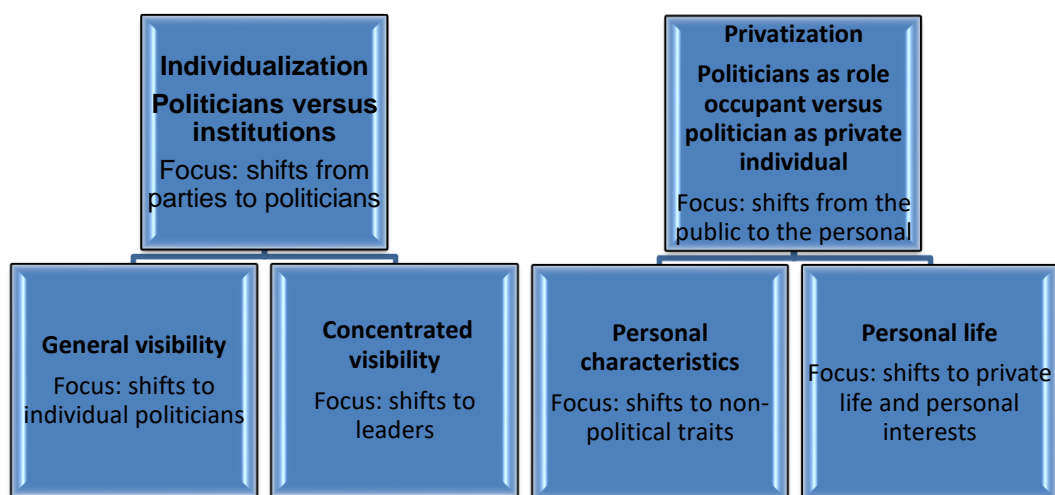
The personalization of political communication is a complex phenomenon studied at different time intervals, if we refer to periods of elections or periods of exercise of power. Another distinction is given by where the personalization takes place: in the media, the communication of the party/candidate or the communication of government/of the voters? This research will focus only on analysing the messages posted by the a woman politician on her Facebook page, which can be considered “the self-personalization of the politician”.

There is a broad agreement on the fact that personalization is and must be studied as a multidimensional phenomenon, being “a natural consequence of transformations at the level of political and media systems, but also at the level of society and of public culture.” (Toader, 2017) Social media is

characterized by the “fluidity of the boundaries between the public and the private sphere, between professional and personal time and activity, in other words, the public level of private life and the privatization (personalization) of public life.” Also, digitization does not only mean the deletion of expert/amateur, global/local, commercial/non-commercial, limits etc., but it has also brought the supremacy of visibility. (Roventa-Frumușani, 2015, p. 30)

Political actors have accounts on social networks, develop their own style of communication and do not depend exclusively on centralized communication of the political party, communication thus leading to individualisation as “individual political actors have become more prominent at the expense of parties and collective identity”.<sup>1</sup> This personalization is highlighted by the increased visibility of candidates and leaders. The visibility of personal life on Facebook has the characteristics of “new journalism” in terms of time of production/reception: fragmented audiences, public microspheres, decontextualizations and recontextualizations (Roventa-Frumușani, 2015, p. 31).

Van Aelst et al. (2012), analyzing leadership-centered communication, approaches the concept of individualisation as a dimension of “presidentialisation” because leaders are prominent not only in relation to representatives of other parties but also outside the electoral period, being the core of political communication.



**Figure 1. Personalization size in news (after Van Aelst et al.)**

Political people expose themselves to public space both as professionals and as private individuals. Political communication through social media turns political people into “intimate strangers” (Stainer, 2007, apud Toader, 2017, p. 39) that we get to know sufficiently closely even if we have never met them. “The politician identifies with voters, revealing his qualities, passions, fears, weaknesses or sharing information about his personal life (family life, religious orientation, personal experiences).” (Toader, 2017) Politicians pay enough attention to their image as private individuals and voters evaluate them in this way.

Social media liquefies borders, roles, identities and spaces, and we assist both in privatizing public life, in disclosing private life, and in dismantling and rebuilding virtual public space. (Roventa-Frumușani, 2015, p. 33) Social media, such as Facebook, emphasize the individual politician rather than the political party, thus expanding the political arena to enhance personalized communication. Research by Gunn Sara Enli & Eli Skogerbø shows that politicians “report both marketing and dialogue with voters as

<sup>1</sup> See (Karvonen, 2009, apud Holtz-Bacha et al, 2014, p. 156).

motivations for social media use, and their practices varied, social media marketing has been personalized and has involved private exposure and individual initiatives.” Politicians’ motivations to use social media for marketing purposes were reflected in the actual use of these platforms for many citizens. The preferred social media platform for marketing purposes was Facebook. (Enli & Skogerbø, 2013, p. 770)

Balmas and his colleagues distinguish between centralized and decentralized personalization. Centralized personalization implies that power flows come from the group (eg, political party, cabinet) to a single leader (eg party leader, prime minister, president); “Decentralized personalization means that power is transmitted from group to individual politicians who are not party or executive leaders (eg candidates, MPs, ministers). (Balmas et al., 2014, p. 37).

## 2.2. Factors of Personalizing the Political Message

Researchers have recently paid attention to the analysis of political messages posted in social media in terms of their effectiveness, starting from the question: *Why are some political posts more successful than others?* Thus, Nave, NN, Shifman, L. & Tenenboim-Weinblatt explored two main groups of factors with major implications of Facebook use: *content involvement and self-presentation*, generating a six-character model that promotes the success of a political post: implied emotions, humor, the use of first person, self-exposure, personal position and clues that evoke anger. (Nave, Shifman & Tenenboim-Weinblatt, 2018)

*Emotional factors*, emotional triggers, improves reactions and determines user involvement. The inclusion of emotions in the message proves to have a positive impact on the levels of involvement, with emotional content, generating a greater number of likes and comments (Lee et al., 2014; Nave et al., 2018). Posts that contain a positive message may become viral compared to those that have negative content. Individuals typically prefer to be known as people who share optimistic stories, or making others feel good, rather than hurting them. Also, even if the message is negative but triggers a high emotion like anger, it is likely to become viral (Berger & Milkman, 2010; 2012, apud Nave et al., 2018). Thus, powerful emotions trigger immediate reactions such as online content sharing.

In terms of *cognitive factors*, various studies have shown that users tend to react to those messages that have content that adds cognitive benefits without requiring extensive cognitive effort. Two main features of the content are associated with this duality:

a) *novelty and relevance*, there being a positive association between these two attributes and the commitment of users (Malhotra et al., 2013; Tafesse, 2015; Berger & Milkman, 2012; apud Nave et al., 2018).

b) The easiness of decoding and simplicity are important features of content spreading; (Malhotra et al., 2013; Mauda & Kalman, 2016; Sabate, Berbegal-Mirabent, Cañabate & Leberherz, 2014 apud Nave, N. et al., 2018).

*Behavioral factors* are partly associated with the call to action that refers to explicit engagement requests manifested through preferences, comments, or sharing, encouraging users to spread further. In the context of Facebook, it was found that even a simple request to post increases both likes and comments. (Lee et al., 2014; Malhotra et al., 2013 apud Nave et al., 2018).

*Self-presentation* refers to politicians attempt to control the impression on others, being known as impression management. The phrase of impression management belongs to Goffman who claims that all social situations in which two or more people are involving one’s attempt to convince others of his own definition of the situation. Impression management implies that actions, occurrence, involvement,

and so on, provides data about the intent and purpose of each person. Some of these impressions are deliberately given, while others are given unintentionally. Goffman defines performance as all the activity of a particular participant on a given occasion that serves to influence in any way any of the other participants (Goffman, 1959, p. 26). The Internet and social media have transformed self-presentation into a tool for building and negotiating self-impressions (Sebastiao, 2013). Various studies analyse the link between self-presentation and social media on the background of political personalization trends, exploring the way people appear in digital spheres and reveal personal information. In a political context, self-presentation is closely linked to the personalization of politics - a process of growth in prominence, power and individuality, to the detriment of political party or ideology. (Balmas & Sheaffer, 2016; Karvonen, 2007; apud Nave et al., 2018)

### **3. Methodological Design**

This study quantifies the messages of mayor Gabriela Firea - the first women mayor of Bucharest, the capital city of Romania, posted on Facebook during a normal term, from 1<sup>st</sup> July to 31<sup>st</sup> December 2018.

The author of this research chose this period because it is important to investigate personalized political communication during an ordinary period of office, most of the studies in this area focusing on the analysis of the electoral period.

*The objectives* of this study were to identify the use of personalized messages by the mayor of Bucharest on Facebook and the reactions of the public.

#### **3.1. Results**

Gabriela Firea, the mayor of Bucharest, is a woman politician in full political ascension and uses both traditional media and social media in her public communication. The Facebook page of the mayor is one of the most appreciated pages of Romanian politicians and has 490,761 fans. According to an analysis made by Point Public Affairs with Webstyler (2017), the first place as number of fans on Facebook is occupied by President of Romania Klaus Iohannis, followed by former Prime Minister Victor Ponta and the mayor of Bucharest Gabriela Firea. The largest engagement on page, that is the total number of interactions (likes, comments and share of posts), is on President Iohannis page with 2.9 million interactions, followed by former Prime Minister Dacian Cioloș with 1,8 million interactions and mayor Gabriela Firea with 918,000. (<https://www.iqads.ro/articol/43034/topul-politicienilor-romani-in-social-media>)

During the analysed period, the mayor of Bucharest posted 154 messages, out of which 25 are personalized messages. This research has classified as personalized messages those posts that had personal content related to family, holidays, leisure activities, participation in private events, promotion of participation in television shows. This study does not take into account the religious messages that are the subject of another recent research.<sup>1</sup>

The most personalized messages were published in September 2018, while in August 2018 the mayor had no personalized posts. Details of the number of posts per month can be found in the figure below.

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<sup>1</sup> See (Dogaru-Tulică, 2019).

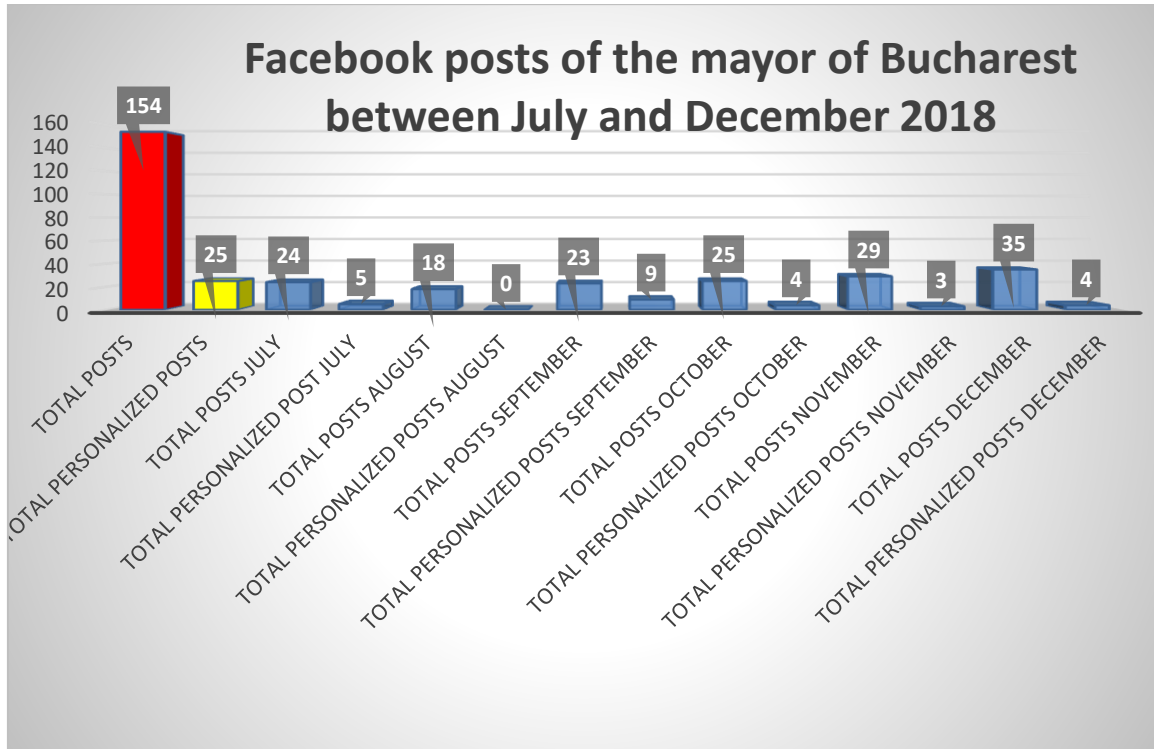


Figure 2. Facebook posts of the mayor of Bucharest during the analysed period

The personalized messages from the analysed period totalised 40744 reactions from the fans of Gabriela Firea’s Facebook page. Of these reactions, 37576 were positive.

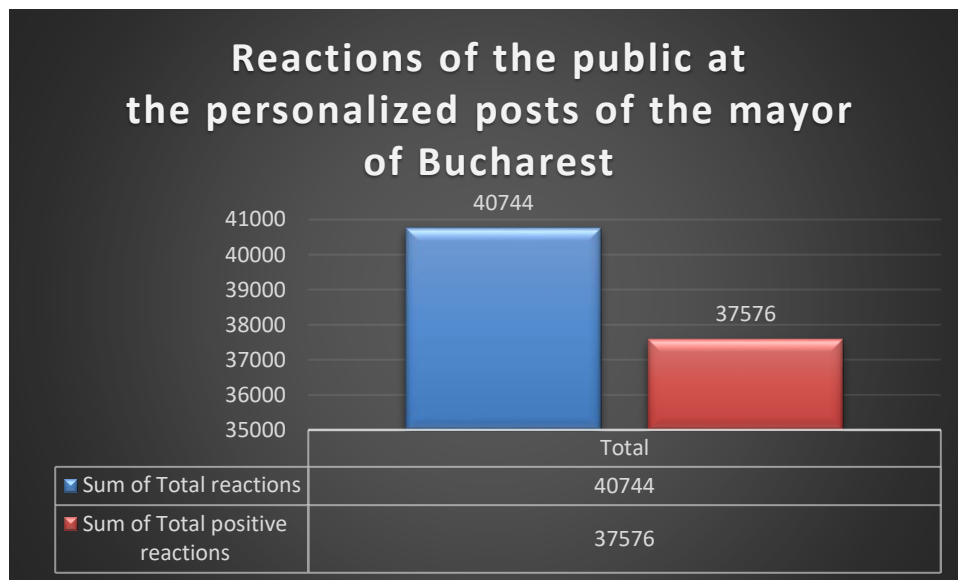


Figure 3. Reactions of mayor Gabriela Firea fans on Facebook

As positive reactions, the analysis took into account the first four emoticons available on Facebook.



Figure 4. Facebook emoticons for reactions to posts

The post with most of reactions from the analysed period was the message from September 12, when the mayor posted about the celebration of 8 years of marriage. This post has 4200 reactions, of which 3900 are positive. At the opposite end, the message with the least reactions is the one from December 22 when the mayor wished Happy birthday! To a family member named Anastasia, post that only gathered 321 reactions.

#### 4. Conclusions

Social media is a favored context for personalized communication. Politicians use the online environment to both transmit personal information and to popularize their presence in TV shows, the media, or to share personal information that has not been made public by the traditional media. In this way the border between the public and the private is blurred. As the present research argues, in the particular case of the mayor of Bucharest personalized messages posted on Facebook attracted an impressive number of reactions and most of them are positive. Although balanced as number compared to politics and administration issues, the constant use of personalized posts and the positive reactions it generate are part of an online communication strategy meant to bring the politician, in this case the mayor of Bucharest, closer to the average user. In this way, the average user can identify in the politician's preoccupations and preferences, his own concerns, preferences or individual values.

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**The Impact of Applying IFRS on the  
Accounting-Taxation Rapport, At European Union Level**

**Maria Virginia Stancu (Catana)<sup>1</sup>**

**Abstract:** The taxation gets attention of entities regardless the applicable accounting system. It has been developed and is still widely developed by legislative provisions, rules, regulations and guidelines often difficult applicable in practice, through countless changes, new releases of taxes, new bases of calculation whose foundation must meet financial and budgetary policy of the executive. The tax system in Romania, in recent years, has undergone many unpredictable and often controversial changes, which influenced both accounting and business.

**Keywords:** IFRS; accounting result; fiscal result; the CCCTB; accounting treatment; compared Accounting – Taxation

**JEL Classification:** E62; G32

## **1. Proposals from the European Union**

The financial reports of general interest are part of the financial reporting process and are regulated at European level by the directives on individual and consolidated annual accounts, but also by the directive on the conditions of authorization of persons performing financial statement audit. *International Financial Reporting Standards, Conceptual framework* and international **provisions** just aim to establish concepts that underlie the preparation and presentation of financial statements for users.

If the value added tax and excise tax base are determined in detail by the European Directives which have been transposed into Romanian tax law, there is not a common basis for entity tax on direct taxes. However, during the closing of EU accession negotiations, all states have committed that they will not introduce national legislation on direct taxes only those tax provisions that are in accordance with the *Code of Conduct for Business Taxation*.<sup>2</sup>

Due to the fact that the principles of determining the profit are not clearly defined at the international level, there was approved at the level of the member of the States a Plan of activity of a group of experts appointed as the Working Group for the creation of a common consolidated tax base of companies.

The Common Consolidated Corporate Tax Base-CCCTB is a system according to which multinational entities would lead to a consolidated basis of the amount of taxable income. The concrete actions for the construction of this system began at the ECOFIN Council in 2004, when most of the Member States

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<sup>2</sup> It was adopted on 1 December 1997, the EU Council and a set of fiscal rules to combat unfair tax competition, is not a legally binding instrument.

accepted the usefulness of some progress on the path of building a common tax base and decided to establish a working group consists in experts representing the Member States and chaired by the European Commission to examine possible solutions. In detail, in accordance with the objectives of 2004, the work of this group should materialize in a legislative proposal by the end of 2008; this goal was materialized in 2013 in a draft directive. The draft of this directive stipulates that if an entity of a Member State with branches in other Member States has to strengthen the tax base at the level of the main company, which will be split between group entities based on a formula that takes into account several criteria: number of employees, salary expenses, assets value, sales volume.

This concern has been stimulated by the implementation of IFRS in the Member States, a process that emphasizes differences between the accounting and tax result. The advantage is that since 1 January 2005 the directive has been applied at Community level which requires entities listed on the stock market to prepare their consolidated balance sheet under IFRS requirements. In this context, we can exemplify with two main reasons:

- IFRS are oriented towards the interest of investors, namely the knowledge of a relevant and credible accounting information based on clearly defined principles and concepts of the general framework of accounting, while taxation seeks compliance with tax legislation;
- IFRS emphasize the economic substance of transactions, the fair value, while fiscality taxes earnings.

In the context of the global financial crisis, the issue of the competitiveness of the economy of the Member States has been invoked with more conviction and a few programmatic documents have paved the way for the adoption of a directive on the establishment of a common consolidated tax base for companies.

In March 2011, the European Commission proposed a common system for calculating the fiscal basis of entities that operate in the European Union, which is expected to be materialized by a draft Directive for a common consolidated corporate tax (CCCTB) in 2013.<sup>1</sup>

**The general objective of the proposal** is to establish a common set of rules for calculating the tax base in the EU entities and its subsidiaries located in the European Union of entities from third countries. The rules will have an optional character.

**The specific objectives** are:

- To reduce the compliance costs of tax on profit entities;
- The elimination of double taxation for entities operating in the internal market;
- The elimination of excessive taxation of cross-border economic activities, mainly resulting from the absence or limited availability of cross-border loss compensation.<sup>2</sup>

This common approach should ensure coherence of national tax systems, but would not harmonize the tax rates. The Commission believes that fair competition should be encouraged on tax rates, differentiating tax rates allowing maintenance of effective competition in the internal market, and the existence of a fair tax competition, based on rates, gives more transparency and allows member states

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<sup>1</sup> Available at <http://eur-lex.europa.eu>.

<sup>2</sup> Impact assessment of the proposal [ SEC (2011) 315 ] states that there are only four Member States (Austria, Italy, Denmark and France ) which have some form of cross-border loss compensation, while six Member States (Belgium, Czech Republic, Greece Lithuania, Hungary and Slovakia) does not indicate any form of compensation (internal or cross-border ) losses within the group.

to take into consideration when they are setting tax rates not only the market competitiveness, but also the budgetary needs.

A very complex issue for **accounting rules** should be used *to define a common base*. Numerous studies have demonstrated that they can provide solutions for IFRS preparation the consolidated database, and may lead to a reduction in tax rates, which would increase the attractiveness of the European Union for investment.

On the other hand, according to officials from Brussels, the use of these standards would be difficult because in many states, where local companies, their use is not permitted and not all standards are compatible with the needs of taxation. Therefore, it was determined that it would start from generally accepted accounting regulations in all of the Member States, which will undergo some changes to meet the rules established for common consolidated tax base.

The fiscal framework envisages to establish common rules for calculating separate tax results of each entity (or subsidiaries), the consolidation of those results<sup>1</sup> when there are other members in the group, and to share the consolidated tax base to each eligible member countries. The distribution of the consolidated tax base is to be due to a formula that includes three factors of equal value (assets, labor and sales).<sup>2</sup>

The problem which however generated the most disputes was *the formula for allocation among member countries entitled, of a consolidated income tax base determined by the tax base decided*.<sup>3</sup> It is necessary that this formula should be simple and transparent, and does not involve excessive costs of compliance and administration, to reduce the possibility of moving entities allocation factors from a state to another and not to generate distortions in the business environment in the European Union.

## 2. Differences between Accounting Treatments Based on IFRS and Tax

In this research we identified numerous differences between the IFRS-based accounting treatments and the national tax differences shown in table no. 1:

**Table 1. Differences between IFRS and accounting treatments based on tax**

IAS/IFRS	National tax provisions
<b>IAS 16 Tangibles</b> - the longevity of tangible assets estimated by each entity on the basis of economic criteria; - the value underlying the accounting recognition of tangible assets estimated by each entity on the basis of economic criteria; - accounting depreciation recognized on the basis of the alternative treatment (revaluation); - depreciation methods for accounting purposes: <ul style="list-style-type: none"> <li>➤ The linear method;</li> <li>➤ The diminishing balance method;</li> <li>➤ The units of production method;</li> </ul> - the book value of tangible assets contributed is determined by appraisers approved at fair value;	- normal operating times established by enactment (GD no. 2139/2004) - the value of tangible assets for tax purposes (GD no. 1553/2003); - the depreciation of fixed assets amounted to for tax purposes is regulated by art. 24 of the Fiscal Code; - Tax Code recognizes methods: linear, digressive accelerated; - the tax value of the assets contributed by a legal person in exchange for shares or shares is tax value of the asset to that asset person participating; - adjustment costs for depreciation of tangible assets are not tax deductible;

<sup>1</sup> Following two criteria: (i) control (more than 50% of voting rights), and (ii) the property (more than 75% of the capital) or right to profit (more than 75% of the profit sharing rights).

<sup>2</sup> As an exception to the general rule, if the result of the tax base between Member States does not reflect in a fair amount of activity, a safeguard clause (which will be able to be relied upon by the State concerned) should have the possibility of using other methods.

<sup>3</sup> [http://ec.europa.eu/taxation\\_customs/taxation/company\\_tax/common\\_tax\\_base/ccctb\\_en.html](http://ec.europa.eu/taxation_customs/taxation/company_tax/common_tax_base/ccctb_en.html).

<ul style="list-style-type: none"> <li>- adjustment for depreciation charges on fixed assets amounted to influence the accounting result;</li> <li>- win/loss on disposal of property and equipment accounts is determined as the difference between the proceeds of disposal and the net book value;</li> <li>- the revaluation reserve is accounting gain: <ul style="list-style-type: none"> <li>➤ At retirement or disposal of assets</li> <li>➤ As amortization</li> </ul> </li> <li>- the residual value of an asset is the estimated amount that an entity would be obtained from a disposal of an asset, after deducting the estimated costs of disposal.</li> </ul>	<ul style="list-style-type: none"> <li>- win/loss from disposal of fixed assets amounted to tax is determined as the difference between the proceeds of the disposal and the net tax value ;</li> <li>- the revaluation reserve becomes taxable income with the distribution in any form reserves (reserves from revaluation of fixed assets, including land, performed after 1 January 2004, which are deducted from taxable income through depreciation or expenditure on assets sold and/or scrapped taxed, while tax depreciation deduction or decrease when the management of these assets, as appropriate;</li> <li>- tax regulations recognize the expense with the depreciation of tangible uninfluenced by the residual value.</li> </ul>
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*Source: Own projection*

### 3. Conclusions

*Tendencies that manifest themselves at European level on the relationship tax - accounting can be summarized thus:*

- the record of a mutation of *the dependence of taxation/accountancy and insolvency/accountancy independence*;
- the establishment of accounting for assets and liabilities in the balance sheet other than the values reflected in the tax balance sheet;
- the need for clear provisions in the tax law in order to avoid non-imposition of certain income;
- the rethinking of tax systems and the transition to a greener and more favorable tax increase, promoted by the Europe 2020 strategy;
- IFRS provides solutions to reflect the taxes postponed, they were not created to meet the fiscal interest, for which no regulations in Romania does not recognize IFRS for fiscal interest. We believe that, although the reasons, for not applying just the IAS 12, can be considered a failure of the application of international accounting standards.
- *Romania has made significant progress by ensuring consistency normative accounting regulations with international accounting standards and European Directives, as well as on tax accounting disconnection, but we must always bear in mind that there is never enough, because any accounting system no matter how modern, how performance, how consistent would be, it is always perfectible, if only because of the economy both nationally and globally is continuously changing and new requirements appear inevitably.*

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## Internal Audit Impact on Optimization of Financial-Accounting Management Decision in Public Entities

Diana Alexandru Baicu<sup>1</sup>

**Abstract:** In public entities, like in any other organization, management, the leading process, should be based on a thorough knowledge of the given situation. The knowledge management needs in order to direct its activities is got following the analyses conducted to identify vulnerabilities and opportunities for the development of managed unit. Therefore, management activity in general, involves activities of leadership experience's synthesizing and generalization, of searching new formulas and finding the best solutions and method for organization's management. **Internal audit** has an important role in this management process.

**Keywords:** internal audit; financial-accounting management; public entity; decision

**JEL Classification:** M41

### 1. Financial-Accounting Management in Public Entities

In a public entity, management can be addressed at the level of the main procedural and structural component, as follows: *financial-accounting management*, human resources management, administrative management, etc. As part of the leadership system, financial - accounting management is defined as a function whose purpose is to provide the institution permanently with the necessary funds, to do a quantitative-value registration and record of material and financial resources register and to control the outcomes of operations engaged with these funds. Generally, financial-accounting management refers to the strategic guiding of activity within an organization by using a great amount of data for the set goals, based on approved decisions. **Thus, leadership process, management is based on thorough knowledge of the conducted activity, as a result of the given situation's analysis, where both vulnerable points and development opportunities of the conducted unit should be identified.**

As practical activity, *financial-accounting management* has a permanent nature by exploiting the information provided by the accounting system and policies, this being a permanent concern of the modern public management. According to the definition from the Economic Dictionary, financial-accounting management has the "role to permanently ensure the unit with the necessary funds, as well as to exercise control over the efficiency of the operations where these funds are involved". (Economic Dictionary, 2000)

A more recent and more complex definition is the one given by L.R. Haiduc according to which "financial-accounting management addresses legal and administrative systems, as well as the procedures established in order to allow the citizens to conduct activity so that the proper use of funds

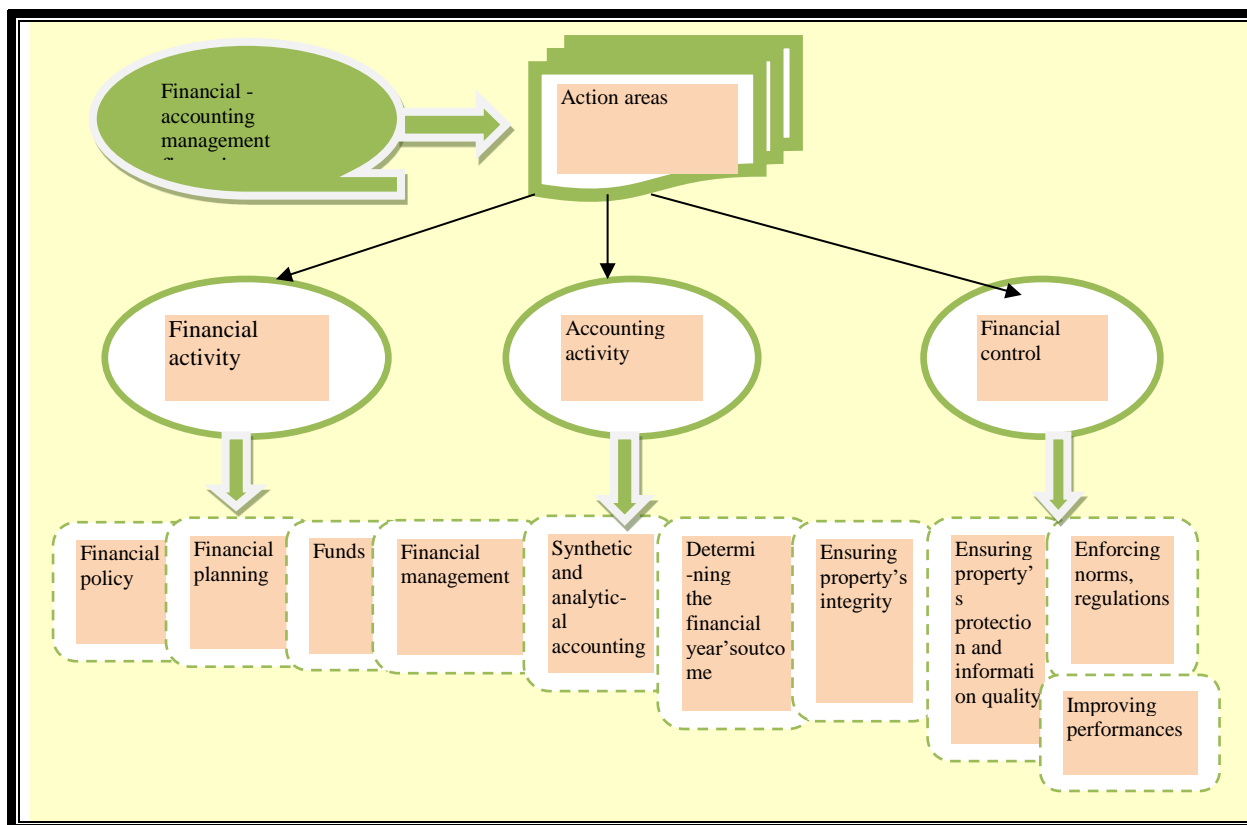
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is ensured, in accordance with the defined standards of probity and regularity". (Haiduc, 2005) In other words, financial-accounting management requires knowledge of legal norms governing accounting activity, its optimal organization, use, management and permanent track of financial means' use based on the principle: *maximum results and minimal expenses*. At the same time, he is also concerned about the funds need's analysis and provision for the following period. This extremely important area for economic activities and also for the ones in the public domain to which we refer, is meant to develop a system of communication between the specialists in the economic-financial area and institution's top managers – non-financiers, through its own system of financial-accounting reporting adapted to the internal requirements of public management.

## 2. Action Areas of Financial-Accounting Management

According to the specialized literature, **financial-accounting management** operates in various fields of activity. These are shown schematically, in figure no. 1, as follows:



**Figure 1. Action areas of financial-accounting management**

*Source: Own projection*

Therefore, the first field is **financial activity**, a domain that addresses issues related to:

1. institution's financial policy, attracting the funds needed to perform the activity, organization of financial structure;
2. financial planning – revenue and expenditure budget;
3. property's funds of the unit;

Within this field, in order to control and monitor public finance, financial management requires a series of specific instruments, out of which we enlist:

- financial diagnosis reports (e.g.: analysis of revenues and expenditure, of receipts and payments), identifying strengths and also weaknesses with the help of economic indicators of profitability, liquidity, management (e.g.: average duration of revenues collection, payment to providers);
- long-term financial estimates covering strategic objectives of the institution in what regards investments and attracting new financing sources;
- budgeting and budgetary control reports which set and aim to annual targets.

The second area in which financial - accounting management operates is given by the **accounting activity** that includes actions related to:

- financial management of unit's property;
- synthetic and analytical accounts of the property;
- determining the financial year's outcome (surplus or deficit) and balance sheet's preparation;
- ensuring property's integrity.

The last area is **financial control**, a particularly important activity for organization's management since it provides the most important source of information necessary for the management action's performance. It aims to determine the economic activity state represented in the financial and accounting documents and its relation to the legal provisions by which they have been defined. Financial control actions are directed (Popeangă & Popeangă, 2004) towards:

- ensuring protection, ensuring patrimony and information's quality;
- enforcing the legal norms and regulations in force;
- fostering performances' improvement.

***Considering these areas of action, we believe that financial - accounting management should get involved with its entire competence and experience, at least in the following areas: investments, financing and assets management.***

To put those into practice and to fulfill its overall goal, which is ensuring the efficient and effective use of public funds, it is very important that financial – accounting management takes the actions necessary to ensure conditions for issuing the decisional act. In this respect, it should target measures aimed at achieving the following actions:

- optimal organization of information flow (financial-accounting documents and economic information);
- inventory of all the elements that can hinder or foster goals attainment;
- compliance with the internal rules and legislation in this field;
- evaluation of the financial effort, of all actions to be taken in a given period;
- timely ensuring the necessary public funds in terms of efficiency and effectiveness;
- tracking the use of allocated funds;
- ensuring and maintaining a financial equilibrium in line with the institution's goals.

### 3. Financial-Accounting Management's Functions

According to the concept first mentioned by Henry Fayol in 1916, **financial-accounting management** consists in exercising its basic functions, identified through: *prediction function*, *organization function*, *coordination function*, *engaging function* and *control-evaluation function*, figure no. 2.

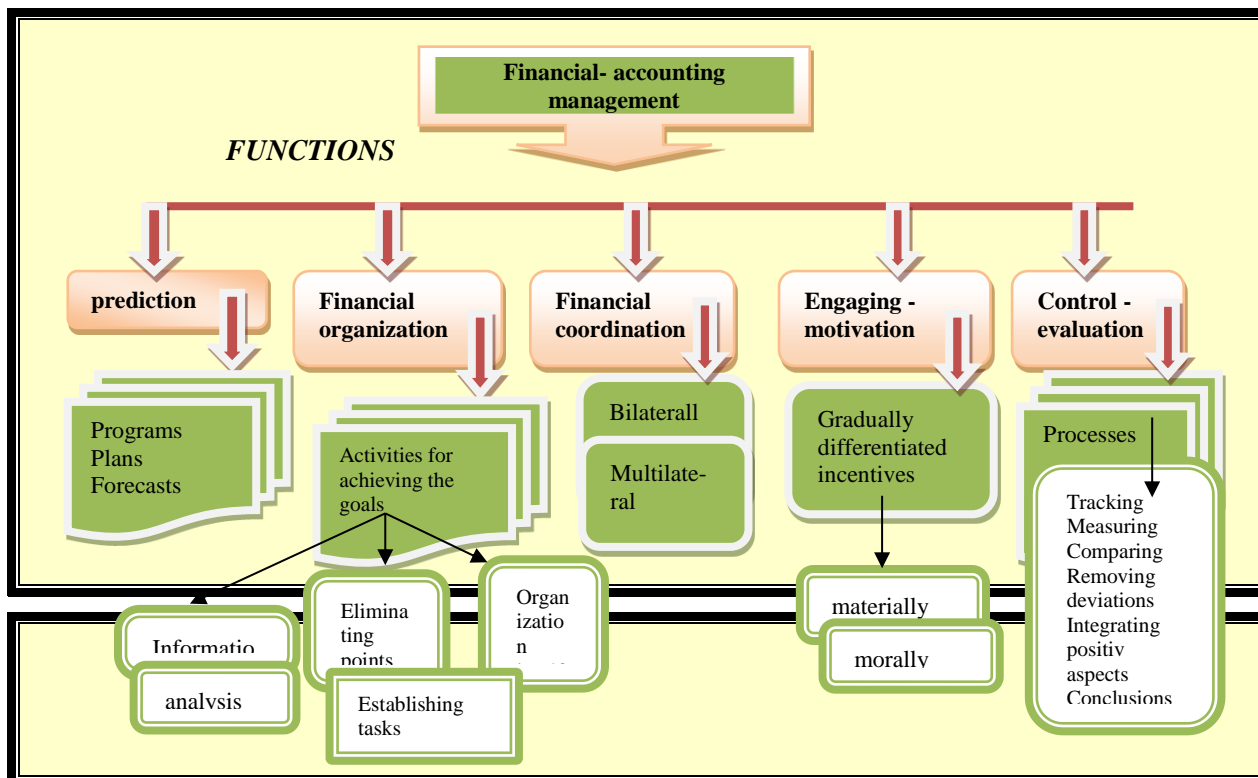


Figure 2. Financial-accounting management's functions

Source: Own projection

### 4. Decision-Making Process in the Financial-Accounting Management

A survey of the specialized literature highlights a multitude of distinct approaches of the *decision*. A first approach is the one where the decision is defined as the *solution chosen from many alternative variants* (Hâncu, 2002). Certainly, there is the variant where the decision-maker may opt not to choose any solution, but to leave things to chance, to give free will, but this requires a decision. In other words, indecision is still a decision.

Another approach regards the decision as an *involvement in action to meet a business requirement of private parties – beneficiaries of the action* (Yates, 2003). In this situation, the decision concerns a person, a group of people that enjoy the outcomes of making business following that decision. In theory, the term *decision* may have many definitions, but in decisional practice, decision is in fact *the course of action consciously chosen to attain one or several goals*. (Stan, 2012)

By a decision, a choice situation is conceptualized in the form of mental image or an explicit model. In case of the model, it is necessary, as early as its conceptualization, to take into account the experience of entity's leadership bodies, of their perception and judgment selective character corroborated with the data of the economic and social problems' situation.



Even if these highlighted definitions can describe this term to a certain extent, *in our opinion*, *decision is the outcome of a deliberate, conscious decision by which the attainment of a target is sought*. In other words, *decision appears as a solution consciously chosen by the manager from several possible variants based on material information in order to coordinate and regulate the organization's activity*.

## 5. Decisions Typology of Financial-Accounting Management

Decisions may be classified by several criteria, but their categorization is relative because the same decision can be framed from a criterion perspective, in another category. Thus, according to their importance and role, decisions can be classified as per table no.1, as follows:

**Table 1. Decisions typology**

Classification criteria	Types of decisions	Main features
<i>Horizon and implications</i>	Strategic	-refer to a period longer than a year, usually 3-5 years; - contribute directly to the achievement of basic or derived goals; - address either the entire entity, or its main components; - are often adopted at the senior management in a group; - are integrated in strategies, plans or programs on long or medium term.
	Tactical	- usually refer to period ranging between 2 and 5 years; - contribute directly to the achievement of derived goals; - address either the entire entity, or a few activities with considerable implications on other areas; - are adopted at the top management in a group or individually; - are integrated in policies, programs and annual and quarterly plans.
	Current	- usually refer to periods of maximum several months; - contribute directly to the achievement of individual, specific and more rarely derived goals; - prevail exclusively at the low and medium management level.
<i>Management echelon</i>	Top	- are adopted by the top echelon of management (bodies of participative management, general manager); - a considerable part of them are strategic and tactical decisions
	Medium	- are adopted by the medium echelon of management formed from heads of service, head of offices or departments; - most of them are current and tactical;
	Low	- are adopted by the low echelon of management formed from institution's head of offices and departments; - are only current decisions.
<i>Frequency</i>	Periodical	- are adopted at certain intervals, reflecting cyclicity of managerial and execution processes; - most of them relate to execution activities; - models and algorithms may be used widely to substantiate them.
	Random	-are adopted at irregular intervals, are difficult to anticipate; - their effectiveness depends on the decisional potential of the decision-maker.
	Unique	-have an exceptional nature, not being repeated in a foreseeable future; - their effectiveness depends decisively on the decisional potential of the decision-maker.
<i>Possibility of application</i>	Anticipated	- adopting period and the main elements involved are known long time in advance; - prevail in the scientifically led organizations; - are completely periodical
	Unpredictable	adopting period and the main elements involved are only known a little time in advance; - depend decisively on the intuition and decisional capacity of involved managers.

<i>Extent of the decision-maker's decisional sphere</i>	Integrated	- are adopted out of the decision-maker's initiative, without requiring the hierarchically superior echelon's approval - as a rule, are current, periodical and anticipated
	Approved	- their application is conditioned by approval at the hierarchically superior echelon's level; - are often strategic and tactical; - are characteristic of an authoritarian management style.
<i>The scope of the decision-maker</i>	Participative	- are adopted by participative management bodies; - most of them are strategic and tactical decisions; - time-consuming, reflected, as a rule, in the high degree of substantiation.
	Individual	- are adopted by a leader; - are often based exclusively on that manager's experience and decisional capacity; - are cheaper than the participative decisions.

Source: Own projection

Another classification of decisions may be done by the degree of knowledge of the problem and of the alternative solutions they can generate (table no. 2):

**Table 2. Tactical-strategic decisions. Differences**

Crt. No.	Types of differences	Tactical decisions	Strategic decisions
1	By decisions type	Routine-like Adaptive	Adaptive Innovative
2	By the conditions of decisions' making	Certainty and risk (objective probabilities)	Risk (subjective probabilities) and uncertainty
3	By the level of plans' development	Top management and medium management	Medium and top management
4	Time horizon	Short term (2 years or less)	Long term (3 years and over)
5	Action's intention	Obtaining means for the strategic plans' implementation.	Ensuring survival on long term and / or activity's growth.

Source: own projection

Highlighted differences point to the need to know their typology in order to rationalize its components and to adopt and apply decisions of a higher quality.

The effectiveness of a decision is the result of its transposition into action, and its efficiency is the ratio between the useful social economic effect and the social economic effect made to substantiated its adoption. *Regardless of the decisions typology, in order to be successfully implemented, it is absolutely necessary to mobilize the creative energies of the people involved, asine qua non condition of success.*

## 6. The Role of Internal Audit in the Decision-Making Process

The highlight the role that the **internal audit** has within the decision-making process will first refer to its role in the public entity. Beside its contribution to the risk management's improvement and performance growth of entity's activity we mentioned in the previous chapter, intern auditor examines and evaluates the effectiveness of entity's internal control system, its degree of adequacy to the institution's needs and also the quality of tasks execution by existent personnel. (Macarie, 2008) In order to fulfill these goals, public internal audit exercises the following functions:

- verifying the reliability and integrity of financial and operational information carried within the entity and of the means used for the identification, quantification, classification and reporting this information;

- verifying the systems implemented in the institution in order to make sure that the policies, norms and procedures, legal and contractual provisions that could have a considerable impact on goals attainment are complied with and enforced exactly;
- verifying the measures and means of assets protection and their existence, if this is required;
- evaluating the economic and efficient use of resources;
- verifying the concord between the outcomes obtained after making the operations or programs with the aims established by the entity, as well as whether the plans approved for the respective operations and programs have been complied with.

These functions have been established by the *Directive on the responsibilities of internal audit, issued by the Institute of Internal Auditors, IIA*<sup>1</sup>. Achieving them requires that the internal auditor deeply knows the entity's specific, since for the collection, interpretation of audit evidence and determination of conclusions, he should resort to the acquired knowledge, his own judgment and accumulated experience, necessary for auditing the various areas corresponding to the entity's activities.

Further, intern auditor should have direct independence of action and expression of opinions, in the sense that the internal audit department will be directly subordinated to the head of the institution. The latter, will establish to him the audit areas according to the management decisions and specific reporting needs. The applicatin scope of an audit mission is still today a major concern of the auditor, its determination should be made by taking into account the requirements of ISA, relevant professional bodies, and laws and legal regulations in force.

Although internal auditor makes an assurance that entity's goals will be attained, he is not a guarantor that provides an absolute assurance that accounting information existent in the financial statements are accurate. However, he assumes an important responsibility, to inform the users that the financial statements are credible or not.

If the auditor concludes that the financial statements are not a fair view or he is in the position not to be able to give appropriate conclusions, then he bears full responsibility for not submitting this situation to the stakeholders, by means of the report on the audit mission's conduct.

**Concluding**, *the internal audit function is useful particularly to the entity's management, providing this with assistance and counselling for decision adoption, based on the experience and knowledge accumulated during checks and assessment of activities subject to audit. At the same time, by the opinions, conclusions and recommendations givent to management, internal audit contributes to adopting and improving its decisions. We also think that a better communication between management and internal audit may lead to an increased efficiency degree of the adopted decisions.*

## **7. Public Internal Audit, Management Advisory Function**

It is widely recognized that the introduction of public internal audit is a decisive step in organizations' development, an important stage in introducing and extending performing managment in public institutions, regardless of their activity object. (Mitea, Suditu, Băncuță & Tănase, 2005) Audit's contribution is offering the head of the institution an objective and complete opinion regarding the attained performance level, risks threatening goals achievement and how entity's resources are used.

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<sup>1</sup> <http://www.theiia.org>.

For the auditor's opinion to be objective, he should be independent in action and expression, to have autonomy that allows him to make assumptions and formulate recommendations. By highlighting the risks threatening the entity's goals attainment, internal audit contributes to the development of a modern, previsionsal and well-founded management. *Public internal audit should not be taken for the internal control function to whose structure it belongs*, it is not a more "sophisticated" form of control strengthening, as it is often erroneously understood to be, but a management advisory function.

***In our opinion***, the notion of audit-counselling should be used more often in order to remove the confusions with the audit-control notion, even if the two notions are not incompatible. Audit, by examining the efficiency and effectiveness of entity's actions adds value to control, and a rigorous control makes the auditor's work easier. This plus value added by the internal audit can be regarded from two directions that explain and justify its predictable development:

- a first direction is the one given by the increased complexity of entity's management, which obliges their heads to resort to internal auditor in more difficult or new situations in order to integrate them into the entity. In this case, internal auditor is only the advisor of the manager who assumes the established solutions;
- the second direction refers to the advisory role that is developed at the same time with the pedagogic role of the internal audit, a role given by its contribution to the specialists' coaching.

***Therefore***, internal auditor, through the help given to organizations' heads with the activities' management, is also an assistance function. The head of the entity let himself be assisted by the internal auditor to solve the problems related to adopted decisions, on the purpose of getting a better control on those. The auditor gets more and ore the profile of a counsellor, of an advisor that we can call instantly, of a specialist. (Mitea, Suditu, Băncuță & Tănase, 2005)

***In other words***, auditor is obliged to give as result, he advises, assists, recommends but does not decide; through his actions, based on reference norms that give him authority, internal auditor helps with control improvement, performance improvement and implicitly, the entity's goals attainment.

The advisory function of internal audit is also recognized internationally by adopting the *Professional Standards of Internal Audit* where many references are made to the counselling missions performed by internal auditors. The advisory activity is organized and carried out as follows:

- *formalized advisory missions* (Carta auditului intern, 2011) covered by a distinct section of the internal audit's annual plan, formalized in nature and done by systematic and methodical approaches;
- *advisory missions information in nature*, are achieved by participation within various standing committees, or in projects with a determined duration, within fixed-point meetings or current exchanges of information, following to be carried out according to the procedures specific to those;
- *advisory missions for exceptional situations* take place by participation within specially formed teams in order to take over the activity required by the force majeure or by certain exceptional events, following to be carried out according to the procedures specific to those.

***Concluding***, in the decision-making processes that take place in public entities, managers establish their decisions based on the information they have and after consultation with the internal and external specialists that master the activity area specific to the entity. Among the specialists should also be counted the internal auditors that have deep knowledge of all activities within the entity, as by the nature

of the function they exercise, using specific techniques and methods, examine and assess both adequacy and effectiveness of the internal control system, as well as the quality of activities carried out within the entity, thus enriching their knowledge and experience in the field. Also, auditors assess (Macarie, 2008) the degree of risk that can affect the goals attainment if certain decisions are adopted and establish the level of risk that the entity is prepared to accept.

Unfortunately though, managers of public entities regard audit more like a form of control and less as an advisory function or valuable resource for getting management performance. There are still, in many public entities and particularly at the level of local public institutions, some inertia in providing and operating internal audit as a result of perpetuating the confusion between control and internal audit, but also of the erroneous perception of management about the purpose of performing audit missions. But until managers of entities have not become aware of the contribution that internal audit may have in strengthening the decision-making and management control system, as well as in increasing management performances and public services quality, public internal audit will not be able to exercise its role of specialist and consellor towards it tends.

## 8. Conclusions

Following the analysis of the financial-accounting's importance from the angle of exercising its functions, namely: *prediction function, organization function, coordination function, engaging function and control-evaluation* we can appreciate that this permanently guides entity towards obtaining higher performances by anticipating how the economic processes in the entity are carried out, based on the outcomes obtained and on the accumulated experience.

Each of the five functions of financial-accounting management contributes to the improvement of the entity's financial-accounting activity performance and actually a plus of value to the action of this activity's management. In decision-making, managers of entities rely both on their own experience, knowledge and information in the field, and on consultations with the specialists within the institution, sometimes also addressing to external consultants. In the decision-making processes that take place in public entities, managers make decisions based on the information they have and after consultation with internal and external specialists in the activity field specific to the entity.

But until managers of entities have not become aware of the contribution **that internal audit** may have in strengthening the decision-making and management control system, as well as in increasing management performances and public services quality, public internal audit will not be able to exercise its role of specialist and consellor towards it tends.

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**Translating Pharmaceutical Texts  
for Non - Specialist Readers**

**Ana-Maria Mangher (Chitac)<sup>1</sup>**

**Abstract:** The present paper intends to approach the pharmaceutical text as a genre of medical discourse, focusing especially on the translation of Patient Information Leaflets (PILs). The aim of this paper is to investigate the translation issues raised by these texts and to offer some translation strategies in order to facilitate their understanding by the non – specialist readers. One of the novelty elements of this article consists in an interdisciplinary approach of the pharmaceutical texts and their analysis from different perspectives: of translation studies, of linguistics, of pragmatics and of cultural studies. The translation of pharmaceutical texts represents a difficult process, due to the complexity of the language that encloses terms from all the medicine fields, as well as the necessity to respect the specific terminology and to integrate the translation in a certain text typology. The attempt of finding the optimum translation strategies in order to facilitate the understanding of these texts by the lay - receiver represents another new element of this approach, given that, there are not many studies in the field literature that focus on this topic.

**Keywords:** Patient Information Leaflets; medical translation; translation problems; genre analysis; text typology

## **1. Introduction**

Medical texts to which we consider that pharmaceutical texts are affiliated, have a specific structure and are characterized by precision in the use of terminology, scientific objectivity, methodological precision and impartiality in the transmission of information. According to Montalt and Davies “medical language has been regarded in the same way as any other kind of scientific language: objective, neutral and non-rhetorical, whose only function was to transmit information, a so called “referential” function. As a consequence, they contain no cultural or ideological references, and have an uniform and impersonal style. Each concept is represented by one -and only- one term (univocal) and concepts are precise and remain stable and unchanging over time”. (2006, p. 50).

## **2. Patient Information Leaflet-Legislative Approach**

*Patient Information Leaflet (PIL)* represents one of the most common used text genres belonging to medical discourse, in the sense that Ana Trosborg renders to the concept of genre. In the opinion of the Danish linguist “Genres are text categories readily distinguished by mature speakers of a language, and

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we may even talk about a “folk typology” of genres. Texts used in a particular situation for a particular purpose are referred to as genres.”(1977, p. 4).

The PIL became a legal requirement in 1992 with Council Directive 92/27/EEC requiring all medication packages to be accompanied by a PIL (Council of the European Communities, 1992), which means that the PIL is a so-called “legally regulated” genre. Therefore, it is governed by several regulations and standards, which influence both the structure and content of PILs, and also their translation. According to the European legislation, PILs must be “written and designed to be clear and understandable, enabling the users to act appropriately, when necessary with the help of health professionals”. Furthermore, this article states that PILs must be “clearly legible in the official language or languages of the Member State(s) in which the medicinal product is placed on the market”. (Article 59(1) of Directive 2001/83/EC). Studies have shown that Patient Information Leaflets (PILs), in direct contrast to the intention of the genre, are generally difficult to understand for ordinary people. (Rainor, 2007). Trying to explain the causality of this reality, the researchers from the medical translation field have reached the conclusion that one of the reasons could be linked to the misunderstanding of prescription instructions and limited education about the medication (Haynes et al., 2008, p. 21). Studies, based on textual analysis, have shown that translated PILs (English-Romanian) are more complex than their source texts. Analyzing the nature of this complexity in order to offer several explanations for this phenomenon it was remarked the fact that the PIL, being a mandatory, and therefore extremely regulated genre, there is a conflict between providing correct and lay-friendly patient information and respecting the imposed terminology.

According to its social function, the PIL is used “to bridge communication gaps between speakers of the same language that belong to different knowledge communities”. (Montalt & Davies, 2006, p. 59), patients need to understand clearly the details of their disease, causes, risks, and treatment.

### 3. Patient Information Leaflet -A Genre Analysis

In professional practice a translation is required and commissioned when there is a communicative niche-in our case, the need of a text-within a target communicative situation, and more specifically, within a text genre. Thus, when translating, target genre knowledge and skills are key elements, from both a communicative and a formal point of view. (Garcia & Montalt, 2002) As medical translators, we are especially interested in genres because our translation strategies, procedures and decisions may depend on four factors:

- a) *Comprehension*. Understanding the source text depends on the profile and the previous knowledge of the reader to whom the genre is typically addressed. Socializing with genres with which we are not familiar is vital for the adequate comprehension of specialized texts.
- b) *Translation process*. Knowing about structural elements in different genres enable us to anticipate the type of information we should be looking for as we read the source text and draft the target text.
- c) *Interlinguistic differences*. Even if the target text belongs to the same genre as the source text, there might be important differences in the way it is realized in the target culture.
- d) *Genre shifts*. Depending on the translation assignment, the target text may or may not belong to the same genre as the source text.

As we have seen, written medical communication in formal contexts is carried out through well-established genres. Researching medical genres and getting to know them well-their communicative



purpose, the situations where they are used, their participants' motivations and expectations, and their typical structure and form-is a key to successful medical translation. (Montalt & Davies, 2006, p. 61).

Classifying and analyzing different text typologies has been the object of study for many scholars such as Biber (1989), Hatim and Mason (1990), Adam (1992), but the model that has been imposed in translation studies was the one proposed by Katharina Reiss. As the German linguist suggests, there is a correlation between text type and translation method as it has been claimed that the type of text corresponds to the demands made on the translator. Consequently, text typology represents an important tool in the translator work, helping him to choose the most appropriate strategies in order to convey the aim, the function and the intention of the source text.

*Patient Information Leaflet* belongs to medical genre, sharing certain common features with this one but it is also highlighted by many particularities. From a linguistic point of view, medical leaflets generally and pharmaceutical ones especially are distinguished by strictly specialized terms, an inflow of neologisms, nominalization, heavy pre- and post-modification, long sentences, use of passives and third person, acronyms, eponyms, abbreviations, modern derivatives of Greek and Latin words and trade names.

Pragmatically, PILs are governed by several regulations and standards which influence both their structure and content and also their translation. Being one of the most common medical genres and encompassing information for the lay readers, package leaflet is the subject of research especially for its user-friendliness (Montalt & Davis, 2014). That requires structural and lexical simplification, determinologizing, synthesizing information, expanding relevant information, and adjusting tenor. (Ezepleta, 2012). From a sociocultural point of view the pharmaceutical leaflet is submitted to a number of regulations which should secure the rights of ethnic minorities and persons with disabilities, with different sexual orientations, and should respect the international system of units as a work of reference.

#### 4. Dealing with Translation Problems

Translating is about thinking clearly and understanding a text before relaying it in another language. A translation *problem* can be defined as a (verbal or non-verbal) segment that can be present either in a text segment or in the text as a whole and that compels the translator to make a conscious decision to apply a motivated translation strategy, procedure and solution from amongst of options. A translation *strategy* links the goals of the translation assignment with the necessary procedures to attain these goals in a given translation context by means of a group of coordinating decisions: resourcing, classifying, selecting, accessing semantic fields, scanning published translations. Translation *procedures* are a range of specific techniques such as explicitation, cultural adaptations, paraphrasing, to re-express the source text in the most appropriate way. Finally a translator should be able to justify the translation *solution* chosen in accordance with the translation context and considering text, genre, discourse, function and assignment (Hatim & Mason, 1990).

PILs translation problems will be analyzed from a *functionalist perspective* which we consider the most suitable procedure in the translation of this textual genre. According to Christiane Nord, there are four main translation problems (i.e. *pragmatic, linguistic, cultural and text-specific*) which require specific transfer strategies and which should represent the starting point of the translation process. Therefore, the translator should identify these four issues before he/she starts working. (1997, p. 47).

#### 4.1. Pragmatic Problems

As far as pragmatic problems are concerned, in Nord's view, they deal with the fact that the situations in the source culture and the ones in the target culture may differ in many aspects. These differences are always present within the translation process, irrespective of the direction of the translation or the languages involved in the process. Nord argues that, for the identification of the potential pragmatic problems, the translator should check the extra-textual factors, such as the profile and intention of the author, the target audience, the means of communication, background of the original (text type, function, purpose, adherence to canons and trends), intentions of the translator, economic factors (payment), contractual factors (deadline, stipulation of terminology) as well as the place and time involved in the production and reception of the respective text.

Owing to marketing strategies, multinational companies sometimes sell their products with different trade names in different countries. Therefore, we should check whether the medicine is commercialized with the same trade name in the target marketplace. Just to give a few examples, the pharmaceutical company GlaxoSmithKline commercialize the medicine containing *sumatriptan* as the active ingredient with the trade name *Imitrex* in the United States, and *Imigran* in the United Kingdom, Spain, Italy and other countries, *Sumacta* in Romania. Likewise, the Roche's bromazepam is called *Lexatin* in Spain, *Lexotan* in the United States and United Kingdom, *Lexomil* in France, *Bromazepam* in Romania. It is also important for medical translators to bear in mind that some countries prefer using national nomenclatures instead of the international one recommended by the World Health Organization, International Nonproprietary Names, INN. Therefore, the generic name used may vary from one country to another when naming active ingredients of the medicine in the name of the product section of the PIL. Labelling information is also subject to national regulatory requirements. In order to comply with regulations on the accessibility of PILs brought in recently in some countries, pharmaceutical companies are starting to offer PILs in Braille and other formats, such as large print and CD- Rom, that enable visually impaired people to access information about their treatment.

#### 4.2. Linguistic Problems

The linguistic level is the level of the text itself, with all connected textual operations. Work at this level requires reading the original, analyzing syntactic and semantic relations, using the memory of past linguistic events, consulting dictionaries, glossaries, background and parallel texts, writing and revising the translation, etc. The linguistic level is the most conspicuous level in any translational operation and it is also at this level that the translator usually spends most of his time.

Linguistic problems arise from differences in structure concerning syntax and vocabulary, both in the source language and in the target language. The author argues that these problems could be caused by certain terms belonging to the "false friends" group, or by situations of equivalence, either one-to-many, or one-to-zero. (Nord, 1997, p. 47).

#### *Abbreviations and Acronyms*

One of the main difficulties faced by a medical translator is that many abbreviations and acronyms are used in this field. Acronyms and abbreviations are two of the most common elements in written pharmaceutical communication. Extremely long terms presenting names of diseases, names of chemical compounds or names of therapies hardly ever appear in the full form, because this would hinder efficient communication. The popularity of abbreviations is strongly related to the "time economy" they provide, so needed in most of medical emergencies. Moreover, abbreviations enable medical professionals to "encrypt" the true meaning of what is they denote, thus making the content somewhat inaccessible to the patient who might not have extensive or enough medical knowledge in order to understand the

respective text. Although, at times, this is advisable due to certain ethical reasons, the extensive use of abbreviations tend to obscure the meaning in many situations, as they might be the source of ambiguity, since even in highly specialized fields, one acronym or abbreviation may stand for several different terms, being a source of polysemy. According to Navarro (2005, p. 193), the abbreviation CF can have at least 15 meanings: cancer free, cardiac failure, Caucasian female, chemotactic factor, colony factor, coronary flow, cystic fibrosis etc. The acronym BAL can mean blood alcohol level, bronchoalveolar lavage and British anti-Lewisite.

Among other units of specialized knowledge of special interest for the translator of pharmaceutical texts are: abbreviations of medical terms, abbreviations of nucleic acids, abbreviations of chemical compounds, international system of symbols, mathematical symbols, statistics symbols, vitamin symbols, gene symbols, symbols of malign tumors, or medical abbreviations normally left in Latin when translating, e.g. *b.d./bis die/twice a day*, e.g. *p.o./per os/orally*.

#### *Greek and Latin Terms*

Having in view the fact that medical terminology abounds in words of Greek and Latin origin, not surprisingly, the latter are also subject to abridgement. Latin has been preserved largely in pharmacology, and especially in English prescription-writing. Latin prescription abbreviations are generally spelled in italicized letters, having dots in-between. Often, these abbreviations relate to the administration of medicines (“Translation Directory”). Regardless of the translation direction, these Latin abbreviations are left the way they are in the source text. Latin abbreviations are indeed a common source of translation difficulties, since finding their full form often proves to be problematic. The knowledge of the Latin roots helps professionals in the field of medicine understand medical texts in various languages. (Andriesen, 2006, pp. 157-158)

#### *Eponyms*

Eponyms constitute a considerable portion of medical terminology; they include names of anatomical parts, e.g. *Fallopian tubes*, *Adam’s apple*, names of diseases *Parkinson’s disease*, *Alzheimer’s disease*, signs and symptoms e.g. *Babinski sign*, fractures e.g. *Jefferson Fracture*, procedures e.g. *Heller myotomy*, medical devices e.g. *Bard-Parker scalpel* (cf. Meals 2007). Eponyms are frequently derived from the names of researchers, but may also be derived from the names of celebrity patients, e.g. *Lou Gehrig disease*, a common name for *amyotrophic lateral sclerosis* (cf. Walling, 1999), e.g. *Othello’s syndrome*, or geographical places, e.g. *Lyme disease*. Eponyms may be the source of translation problems - the correspondence between eponymous terms and their equivalents does not necessarily mean that both source and target terms will be eponymous. e.g. *Lyme disease /Boala Lyme/borelioza*.

#### *Homonymy*

Homonymy normally derives from the formal coincidence of Greek and Latin roots such as metr- (measure and uterus), cario- (becoming rotten and nucleus), hydr- (sweet and water), echo- (house and echo), branchy- (slow and short), acu- (needle and hearing), sex- (sex and six).

#### *False friends*

Among the most frequent challenges for the medical translator are false friends, that is terms that have a similar form in the source and target language and which may mislead the translator into thinking that their meaning is the same. False friends differ according to the pair of languages involved. However, there are some that are fairly widespread in many modern languages: e.g. *abortus* does not mean abortion but a fetus that is not viable, e.g. *disorder* does not mean lack of order but alliteration or disease, e.g. *drug* does not mean illegal drug, but also therapeutic substance.

### *Neologisms*

Neologisms are new terms used to represent and transmit new concepts. They are the result of what we have referred to as the process of terminologizing new medical knowledge. They can be either newly formed words, or existing words to which new meanings are attached. In both cases, the words may originate in and be borrowed from another language, and then we can speak of loan terms. Sometimes, the new words are formed from existing components as in nutraceuticals (nutrition + pharmaceuticals), theranostics (therapy + diagnostics). Therefore most neologisms originate in English and are then translated into a wide range of languages. When coming across a neologism, medical translators have two types of challenge. On the one hand, understanding the meaning of the English term in the source text. On the other, finding an equivalent term in the target language. Nowadays, however communication in the pharmaceutical field is very rapid and translators are often required to deal either with the lack of terms in the target language or with the proliferation of alternatives for the same neologism due to the lack of terminological planning and control.

### *Updating nomenclatures*

Even nomenclatures are not fixed entities. In fact, this would be impossible since research is constantly modifying the state of knowledge in all medical disciplines. For instance, the following bacteria have been renamed recently: *Campilobacter pyloris* has become *Helicobacter pyloris*, *Salmonella paratyphy* is now called *Salmonella enteriditis*. However, some nomenclatures vary more than others. For example, the international names of drugs are more variable than the international names used in other medicine fields.

### *Translating Metaphors*

Metaphors are also very common in pharmaceutical texts, in which abstraction and fuzziness can be present. Despite aiming for an objective language to explain medical processes, free from what some consider to be obscure references, metaphors and even idioms can be found in many scientific texts. Research points to the fact that metaphorical thinking is inborn and makes it easier for us to interpret and filter the messages around us (Brown, 2003). The differentiation between denotative and connotative meaning can be a good starting point for exploring the question of medical metaphors. The challenge in translation comes when the translator has to determine whether the denotative and connotative meaning of a word is the same for the source and target communities or, if only partial or no equivalence can be established, whether the application of a given translation procedure is called for. Here follow some examples: *Stroke of Luck* (sudden illness that can cause partial paralysis), *coffee grounds* (hematemesis or vomiting of blood), *French pox* (syphilis), *Scarlet fever* (scarlatina), *White fingers* (Raynaud's disease).

## **4.3. Cultural Problems**

The sociocultural level is present in any translation, and it requires dealing with factors such as ideology, social, cultural, and political trends, propaganda, philosophical issues, etc. According to David Katan, culture is the framework that helps the individual to be part of a given community; it is a system for orienting experience and forming a mental map of the community. (1999, p. 86) Basil Hatim, on the other hand, places cultural differences on a cline between sociocultural objects with which the social life of given linguistic communities are normally identified, and socio-textual practices, which are influenced by the former. (1997, p. 223). We would like to suggest the following operative definition of cultural reference adapted to translation purposes (Davies & Sott-Tennent, 2005, p. 166) "Any kind of expression (textual, verbal, non-verbal or audio-visual) denoting any material, ecological, social, religious, linguistic or emotional manifestation that can be attributed to a particular community

(geographic, socio-economic, professional, linguistic, religious, bilingual, etc.) and would be admitted as a trait of that community by those who consider themselves to be members of it. Such an expression may, on occasions create a comprehension or a translation problem.”

People suffering from certain diseases may be particularly sensitive to the language used to refer to them and their illnesses. We must beware of using biased language and unacceptable labels. Even certain euphemisms may fall out of favor and cause offence. Such labels change rapidly and we need to keep-up-to date with what is currently acceptable. In order to avoid biased language in the target text the following recommendation made to medical writers by Mathews et al (2000, pp. 151-154) can also be made to translators:

*Specify only the differences that are relevant* –Differences such as sexual orientation, marital status, age, ethnic identity or the fact that that person has a disability should be mentioned only when relevant.

*Be sensitive to group labels*-Labels such as “the schizophrenic” in the context of a PIL may stigmatize individuals with differences. In these cases we should avoid the label and use a more descriptive solution in the target text, such as” people diagnosed with schizophrenia” in the above example.

*Guard against the perception of bias or prejudice* –Racism and sexism are two of the most frequent types of prejudice. They may or may not be conscious or intentional. As translators we should find alternatives and avoid racist and sexist language whether it be unconscious and unintentional in a given culture, language or country.

#### **4.4. Text-Specific Problems**

One remark about this four level classification is that it is a matter of focus. Some issues are more clearly linguistic in nature, others are pragmatic, and yet others are sociocultural. This doesn’t mean however that there is a neat separation between the three categories. Linguistic issues also have some pragmatic traces in them, pragmatic issues relate quite naturally to sociocultural or textual issues.

Another major translating problem is represented by content errors, “such as typographical errors, incorrect uses of terms, errors in writing, and ambiguities”. Simon Andriesen (2006, pp. 156-157). The most problematic problems for medical translators are, in Engels’s opinion, noun stacking, ambiguities, decimals, abbreviations and vagueness (2011, p. 22). Regarding the first problem, Engels argues that noun stacking includes the range of nouns used to from a word with one meaning starting from as little as two nouns to having virtually no maximum amount of nouns. The problem with ambiguities lays in the context, or rather the omission of context, Engels writes; “for if the context allows no further indications as to what is meant the translator has little option but to maintain the ambiguity in his target text”. However, especially in the case of medicine, ambiguities must not exist. The translator has the responsibility to prevent errors from happening and to deliver a high quality translation. If a mistake is made in the translation of a prescription for medicinal intake, for example, if the translator accidentally places a decimal wrongly, therefore changing the intake, the consequences can be catastrophic.

This section is only a brief overview of certain features of pharmaceutical language, which is the focus of more detailed research papers published in *Medical Translation Step by Step* edited by Montalt and Davies (2012) devoted to medical language.

#### **5. Conclusions**

Medical translation is a complex and interesting phenomenon in which linguistic, sociocultural, scientific, economic and other factors are at play. That is probably why multidisciplinary approach is so useful in approaching medical translation in research. Translation theory was addressed from a flexible and inductive viewpoint with a special but not exclusive emphasis on the *functionalist* approach as presented by Nord (1997). This approach maintains that when translating it is not only the author or the source text that should be referents, but rather that the translation assignment and the client or the initiator of the translation process are central to the whole decision-making process. Therefore, the translator should be loyal to the function or purpose of the assignment, and equivalence, instead of referring to literal translation as has often been traditionally. Finally, we consider the issue of the alleged objectivity and stability of medical language. While it is true that medical language does not have many features that tend in this direction, it is also subject to changes and shifts in meaning throughout history, to emotional overtones and to subjective nuances. Exploring the metaphors, the cultural conventions and references, the synonyms in the same language, or the lack of equivalence and false friends that exist between languages, reveals gaps in the clarity, precision and conciseness traditionally associated with medical language.

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THE 14<sup>TH</sup> EDITION OF THE INTERNATIONAL CONFERENCE  
**EUROPEAN INTEGRATION  
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**The Speech Acts vs. the Analysis of the Role of the Speech Acts in Bank  
 Brochures and Pieces of Publicity**

**Elena-Tatiana Huțu/Dâlcu-Năstase<sup>1</sup>**

**Abstract:** The article focuses on the general aspects of the speech acts in J. Austin and J. Searle perspectives, who are considered the founders of the theory of speech acts. Simultaneously an analysis on pieces of publicity was made, precisely a bank brochure and an advertising video for BT bank. It started with the classifications of the above mentioned theorists and continued with a practical part (a study on a bank brochure and advertising video) whose purpose consisted of confirming the idea that all comprising elements of the “analyzed material” represent speech acts that respect the pragmatics and linguistics principles.

**Keywords:** speech acts; advertising communication; perlocutionary; pragmatics; conditions of fulfillment

“The advertising communication is ambivalent. The dichotonic discourse—verbal and iconic—of the text-image is increased by the ambivalence of a symbolic production induced by the economic market.” (Adam & Bonhomme, 2005, p. 46.)

This particular interest in the speech acts in the contemporary epoch is associated with Austin (Moschler & Reboul, 1999, pp. 49- 51) He is the one who thought appropriate and necessary to consider and analyze the speech acts. In the traditional perspective/theory he makes the distinction between affirmative, that are pure descriptions and that he names constative, and utterances that do not represent descriptions. The utterances that do not say anything and are neither true or false and they just refer to the performing of an action are labeled as performative. “This distinction constative/performative can ultimately be regarded as differentiating between saying and doing”, and what “defines a performative is that the speaker by actually uttering something already fulfills an act.”(Moschler & Reboul, 1999, pp. 49- 51). Pragmatics appeared from Austin’s discovery of the phenomenon and based on Searle’s study.

The bank brochures and advertising films are created with the help of speech acts and they actually represent speech acts. The pragmatics model, referring to the interpretation of the message, becomes essential when decoding the message—either from brochures or advertising films—as in fact we recreate the message taking in view both the intentions of the communicator and of the consumer. This way, the speaker takes responsibility for his own sayings and uses verbal, nonverbal and paraverbal cues in his argumentative utterances or when sending the message to the interlocutor.

According to Gardiner, there is a variety of reasons for a speaker to utter something and based on this Gardiner suggests a classification of utterances/statements into: interrogatives, declaratives, requests and imperatives. If declarative utterances are characterized by “saying something about something”, for

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the interrogative utterances “the success of the speech act depends on the interlocutor’s performing of a certain action, for example a pertinent verbal response.” (Moschler & Reboul, 1999, p. 43.)

“Any speech act involves a locutionary dimension, when making a statement according to grammar rules, an illocutionary dimension related to the value of the act: request, order, promise, piece of advice, warning, and at last a perlocutionary dimension linked with the effect on the auditory.” (Roventă-Frumușani, 2005, p. 56) “The speech act is the key element that the entire conversational process is based on.” (Roventă-Frumușani, 2005, p. 68)

The illocutionary acts determine three different types of effects, out of which the focus is on the effects resulting from “the majority of these illocutionary acts require a new act in case they are not successful for the first time.”

Austin insists on this distinction between locutionary and illocutionary and creates a taxonomy of the various values comprising an illocutionary act. Though there are five categories, our study will look at only two of them: *Promises*, that require the speaker to adopt a certain attitude or even to carry out a particular action, and the *Behavioural category* that imply an action or reaction towards the other’s behaviour or situation.

In the case of significant utterances, Searle mentions four types of acts that should be achieved, the last one being optional. The most interesting ones are the locutionary and perlocutionary acts. The perlocutionary acts aim at convincing the interlocutor either physically present or absent in the given communicative context. The syntactic structure of the utterance contains in Searle’s opinion, a note of propositional content (indicating the expressed utterance) and a note of illocutionary force (revealing the illocutionary act).

“The illocutionary force shows the intention of the message and the way in which the message is decoded by the receptor, as a promise, request, excuse, warning, order, etc.” (Borchin, 2004, p. 159)

As a demonstrative example, I selected a BT brochure as the visual below indicates in an effort to discuss the already mentioned elements. In the following structure “If you can dream about anything, you should be able to go anywhere!” the note of illocutionary force (ultimately expressing the achieved illocutionary act) is suggested by “If you can dream about anything”, while the note of propositional content is indicated by “you should be able to go anywhere!”.



Source: Bank Brochures of Publicity BT



Searle further differentiates between normative and constitutive rules. The normative rules generally have an imperative aspect, while the constitutive rules can take the form of a definition. Respecting the constitutive rules allows for the accomplishing of an illocutionary act. The normative rule can be easily identified in the given structure from the brochure: “You should be able to go anywhere!” as it is an imperative - exclamative form. “The three dimensions - locutionary, illocutionary and perlocutionary- indicate the semiotic and pragmatic approach of the advertising communication, managed by an agile productive authority that knows how to build its discourse in order to reach a consumer frequently impressed by the “on stage” show.” (Robu, 2015, p. 171)

As a further example, there is also a publicity video from BT that can be downloaded at [https://www.youtube.com/watch?v=D1n\\_U71Q4Lk-](https://www.youtube.com/watch?v=D1n_U71Q4Lk-), the functioning of BT Flying Blue Card, 16<sup>th</sup> May 2017.

*The BT Flying Blue Card turns every of your payment in miles flying prize. You can use them later to buy plane tickets to any destination you want + extra free luggage and an upgrade to 1<sup>st</sup> flying class. So your next holiday is much much closer. The BT Flying Blue Card is a card in a partnership with Air France, KLM TAROM and the prize miles will be registered in your Flying Blue account through this loyalty programme of flying companies. Using BT Flying Blue you can get a loan from 5 times your salary and you can pay your instalment – no fee- in more than 85000 partner shops.*

In the publicity discourse expressed by the above video, we can notice the same verbal argumentative strategy indicated this time through the repetition of the modal verb “can”, used in the Present tense aiming at the persuasive act together with the intensifier “much”. As previously mentioned, the perlocutionary acts aim at persuading/convincing the targeted interlocutor physically absent but present in the process of communication through “you/your” reference.

“We observed that one of the modalities to make an indirect request consists of listing the reasons of such an act.” (Moschler & Reboul, 1999, p. 199) The above structure under analysis points out the reasons why the interlocutor will resort to the given act of acquiring the Flying Blue card that “turns every of your payments in miles flying prize.”

Austin and Searle on one hand and Sperber and Wilson on the other hand approached the theory of speech acts totally different. For Austin and Searle, one of the objectives of these speech acts is to question the “descriptive” illusion, meaning that all statements/utterances are used in order to describe state of things. In performative statements there exists true or false, whereas in constative statements success or failure. In Austin’s view, the constative acts aim at fulfilling certain acts called illocutionary.

“The theory of speech acts developed by Searle confronted another problem, the indirect speech acts. “In an indirect speech act, with the help of a primary illocutionary act, it is intended that its illocutionary force (the performing of a primary act) to be recognized by the public.” (Moschler, Reboul, 1999, p. 193) The sentences in the structure *The BT Flying Blue Card turns every of your payment in miles flying prize. You can use them later to buy plane tickets to any destination you want + extra free luggage and an upgrade to 1<sup>st</sup> flying class. So your next holiday is much much closer. The BT Flying Blue Card is a card in a partnership with Air France, KLM TAROM and the prize miles will be registered in your Flying Blue account through this loyalty programme of flying companies. Using BT Flying Blue you can get a loan from 5 times your salary and you can pay your instalment – no fee - in more than 85000 partner shops*, aim at the interlocutor’s capacity (absent but targeted) to fulfill the act of acquiring the card.

The reasons for such an acquisition are obviously mentioned in the text suggested by the illocutionary verb: “*You can use them later to buy plane tickets to any destination you want*”.

Searle (Moschler & Reboul, 1999, p. 195) states that any speech act must respect the following conditions: the condition of propositional content, the condition that must be fulfilled prior to the achievement of the act (for the directive speech acts –the interlocutor’s ability to perform the action), the sincerity condition defining the psychological state of the speaker – for the directive acts named wish/desire- and the essential condition defining the illocutionary purpose of the act- for the directive acts stimulating the interlocutor in performing the action. These conditions are present in the video taken as an example.

1. The condition related to the propositional content seems to be fulfilled by acquiring the flying card that provides the interlocutor with the certainty of buying a ticket together with the multiple advantages of the loyalty programme “*You can use them later to buy plane tickets to any destination you want.... So your next holiday is much much closer.*”

2. The condition that must be achieved prior to the achievement of the act (for the directive speech acts –the interlocutor’s ability to perform the action), this capacity being indicated by the structure “*You can use them later to buy plane tickets to any destination you want*” The sincerity condition defining the psychological state of the speaker – for the directive acts named wish/desire- is confirmed by and through the representative of the BT bank, that has the necessary elements to validate the offers from the video. In other words, beyond the man talking in the video there is the guarantor- the BT bank. “The values acknowledged by the audience, the prestigious oratory and the meaningful language seem to be in a constant interaction with the purpose of winning the public.” (Perelman & Olbrechts- Tyteca, 2012, p. 166)

3. The essential condition defining the illocutionary purpose of the act- for the directive acts stimulating the interlocutor in performing the action. The interlocutor becomes interested in buying such a card as every aspect of the video comes to satisfy his wishes “*So your next holiday is much much closer*”. Who doesn’t dream of a holiday as near as possible? Not necessarily from a spatial point of view but as a time projection as well.

“Language is not merely a means of communication, but also an instrument of action upon the public, a persuasion method.” (Perelman & Olbrechts- Tyteca, 2012, p. 166)

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THE 14<sup>TH</sup> EDITION OF THE INTERNATIONAL CONFERENCE  
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 REALITIES AND PERSPECTIVES**

**Presumption of Innocence and Truth - between Ambition and Reality of  
 Criminal Proceedings. Case Studies from the Practice of the European  
 Court of Human Rights**

**Alina Ana Dumitrache<sup>1</sup>, Răzvan-Alexandru Condunina<sup>2</sup>, Emil Alin Nedelcu<sup>3</sup>**

**Abstract:** Presumption of innocence and the principle of finding the truth is fundamental Principles underlying criminal proceedings. The role of these principles is relevant in terms of a fair criminal trial and to keep alive the idea of protecting the individual against any abuse of State Authorities. Principles of criminal procedure that any advantage doubt suspect/accused (in dubio pro reo - an integral part of the principle of finding the truth) and that guilt will be proven beyond a reasonable doubt, have the pillars that support Even the criminal justice process. The main target of these principles have even those in respect of the burden of proof rests Which, that the state authorities, which in the case of offenses will have to find out those who committed crimes and to impose a sentence commensurate with their guilt. Through this article we wanted, if possible, to realize year analysis of the applicability of these principles in the romanian legal system given that our country still has a form of democracy early, relatively young, having emerged from a long period of dictatorship. Taking as reference the above, we propose that the content of this article is to outline whether the reality these principles of Romanian criminal trial or a dream, a goal to achieve and most importantly, how we can improve how to apply these principles.

**Keywords:** fundamental Principles; abuse of State Authorities; burden of proof; in dubio pro reo; fair trial

**Motto:**

*“When condemned an innocent, it is relegated part of the country”*

*Publilius Syrius – “Sentences”*

## **Introduction<sup>4</sup>**

In criminal proceedings, both in terms of judges and of the prosecutors, the principles and rules of law, the indissoluble link between them should be applied and interpreted both in letter and in their spirit the sole purpose of finding the truth and criminal liability only the guilty who will respond in proportion to his guilt.

Therefore, judges should apply strictly the principles and rules of law for the case that was given to the settlement, to know the truth and even put to the legislature any inequities and shortcomings of the rules

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<sup>4</sup> This article was prepared based on extracts bachelor of two authors, namely: *"Presumption of innocence and truth: Fundamental principles of criminal law. Analyze the implications of these general principles of the Constitution and the International Covenants on human rights"* Author Condunina Răzvan-Alexandru - *"And evidence samples. The processes of discovery and lifting"* Author Emil Alin Nedelcu.

for the continuing improvement of justice “not enough to do everything I can” (which the law confers specifically), but “must do and what we need.”

Specifies the links between legal principles and rules of law - have to qualify that general principles of law apply in the every legal system, even if they are not specifically mentioned, but can be derived from the rational structure of a set of rules .

Rule must not be confused with principle, because it is for a number of facts or legal acts unfinished, but which fall strictly under the effect instead applicability of the principles spans the entire objective.

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***Benefit of the doubt*** is an idea that emerging confidence in man, revealing everyone’s right not to be subjected to abuse in society to fight crime phenomenon. The presumption of innocence principle defined human freedom, which brings together the interests of society as a whole to individual interest.

***The idea of finding the truth***, Will make an appearance every time the situation will take the form of a breach of the rule of law, are necessary to remedy that situation and preventing possible that that does not happen again. “Truth” is the center of all court proceedings, but its relevance is more obvious in criminal proceedings, maintaining however the difference in hue between objective truth/real and judicial truth (which can be proved), AIM trial is that the two approaching possible, ideally they confuse.

## **I. The Presumption of Innocence in the Romanian Legal System**

The criminal is a set of activities that take place in a criminal investigation and trial deducted by the competent authorities. This activity is participation of the parties (the accused, civil party and civilly responsible), lawyer and procedure subject in order to establish the facts constituting the offense, the circumstances applicable to the facts in question and the criminal responsibility of persons guilty .

***Benefit of the doubt*** it is a fundamental principle of internationally accepted and applied in all criminal proceedings. This principle is taken of the Criminal Procedure Code in Article 4<sup>1</sup>And it is also stated in the laws that relate to fundamental human rights: Universal Declaration of Human Rights (art. 11), the European Convention on Human Rights and Fundamental Freedoms (art. 6, paragraph 2), International Covenant on Civil and Political Rights (art. 14, para 2), Charter of Fundamental Rights of the European Union (art. 48, para. 1).

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<sup>1</sup> Presumption of innocence, the Criminal Procedure Code, Art. 4. (1) “Everyone is presumed innocent until proven guilty by a final criminal judgment. (2) After administration of the entire evidence, any doubt in belief formation judicial bodies shall be construed in favor of the suspect or the accused.”

**Benefit of the doubt** is a procedural guarantee applicable to all persons participating in criminal proceedings, not intended exclusively for certain qualities or the suspect or defendant, representing also a basic rule of criminal proceedings.

Moreover, we observed concomitant right of the suspect or defendant to combat the evidence adduced by the prosecution bodies, enabling them to present arguments to the contrary which give rise to a doubt formation conviction judicial bodies, doubt that will play in favor of the suspect or the accused (in dubio pro reo).

**Benefit of the doubt** it has a relative character, in that it may be rebutted by establishing rigor and obtaining of evidence, considering plano that guilt is proved. Rebut the presumption of innocence is done by the court pronouncing a sentence, waiving penalty or conditional sentence. This reversal will occur only if it is found that the act exists, meets elements of an offense and was committed by the person having the status of defendant<sup>1</sup>.

We will need to bring up the issue of custodial measure of remand in relation to the presumption of innocence. This apparent conflict will lead to a seemingly natural question: “*If any person is presumed innocent until a judgment of conviction permanently, then this may be deprived of liberty in preventive detention before this time?*” The answer lies in that recognition of the presumption of innocence will not rule out taking a preventive measure involving deprivation of liberty (as a provisional taken in strictly prescribed by law in order to ensure the proper conduct of criminal proceedings and to prevent theft defendant the stage of criminal prosecution or trial)<sup>2</sup>.

Perspective constitutional presumption of innocence lies in the many international regulations, this principle is enshrined in most Member representing a benefit and legal protection for the accused, with “*order to balance the ratio forces in criminal proceedings*”. (Muraru & Tanasescu, 2008, p. 223) Presumption of innocence is a specific regulation under Article 23, paragraph 11 of the Constitution constitutes a genuine support of the rights of defense and other procedural rights guaranteed to all the accused. Applying this principle will result that a mere accusation will lead to the finding of guilt, but it would need to be established by a judgment definitiv motivated based on solid evidence.

Pregnancy judicial bodies to clarify all circumstances of the case based on evidence is to the truth, and the connection with the presumption of innocence arises when after administration of all samples doubt that will benefit the accused (in dubio pro reo) - presumption of innocence is removed.

Typically, the presumption of innocence finds applicability to the facts that have connotations criminal, but it does not apply strictly only trial but will be extended to government representatives who will create an obligation not to make public statements in which showing that the prosecuted or indicted is guilty before his guilt is established by a final sentence.

## **II. The Role of Evidence in Rebuttal of the Presumption of Innocence**

One of the fundamental principles of the criminal trial is the presumption of innocence. Removing the presumption of innocence is only through sample data, so to complete a trial with a conviction is necessary to prove beyond reasonable doubt the fact that the judgment upon the offender for to be held responsible for therefore, evidential activity is one of the most complex and important operations in a criminal trial.

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<sup>1</sup> Art. 396, paragraph 2, of the Criminal Procedure Code.

<sup>2</sup> High Court of Cassation and Justice, Criminal Division, Decision no. 4284/2009.

**Samples** can be defined as elements relevant information on all facets of criminal case. (Neagu & Damaschin, 2015, p. 421) It is essential for the legally and a fair criminal trial especially if it is to result in a conviction.

Pursuant to Art. 97 para. (2) of the Code of Criminal procedure, the samples obtained by the following means: statements of the suspect or the accused; declarations person; the civil party or civilly liable party; witnesses; documents; means sample material; photographs and any other means not prohibited by law.

The object of proof is governed by the Criminal Procedure Code, in its Article 98 Code of Criminal Procedure, and can be defined as “*Assembly of all facts and the facts to be proved in order to clarify a criminal case*”. (Neagu (coordinator), Damaschin & Iugan, 2016, p. 202)

In literature, samples are classified mainly according to three criteria, namely: character (function) of their sources of origin and proof of a connection object.

**a)** Depending on their character samples are:

- incriminating: they serve to prove the guilt of the suspect or defendant Also here they may serve to establish the existence of an aggravating circumstance.
- evidence defensive: they are used to prove the innocence of the suspect or defendant, also may be used to establish the existence of mitigating circumstances.

**b) sources (sources)** they come from:

- primary samples (immediate) obtained from the original source, these samples directly attest to certain facts, circumstances, events, etc. (Example: the content of the original document, an eyewitness, a camera records)
- secondary samples (average) from sources other than the original (for example, a copy of the contents of the original document)

**c)** Depending on the link with the subject of proof:

- direct evidence: they act directly prove the suspect or defendant, such as catching the perpetrator in the act or those stated confessions.
- circumstantial evidence: they do not prove the direct charge of the suspect or defendant, but combined to suggest that beyond a reasonable doubt, the accused committed the act for which he was indicted, so it can be sentenced without the existence of direct evidence.

**Assessment of evidence** - are representative of the final activity concerning evidence through which judicial bodies form their conviction on the existence of an offense, the offender’s degree of involvement in the offense and the form of guilt attributable to the latter.

Romanian law is characterized by the principle of free assessment of evidence so that no evidence has no value before established, the court decision being based on a thorough analysis of each sample, after which showing the defendant’s guilt beyond a reasonable doubt in otherwise, any uncertainty interpreting it in favor of the defendant.

To rebut the presumption of innocence is not only necessary mere existence of evidence proving the guilt of the suspect or the accused beyond reasonable doubt to be used in court, they must be obtained through legal means.

There are several reasons that by law attract exclusion of evidence in criminal proceedings, including the exclusion of evidence obtained illegally, the penalty is expressly provided for in art. 102 of the Criminal Procedure Code, which regulates the legislature, in the same article situations where a sample is taken for granted unlawfully:

- evidence obtained by torture – “although the nature of the evidence that this way violates the law, the legislature has chosen to express regulation of procedural penalty because of the gravity of the infringement of criminal law judicial body which bears the burden of proof. In this case, how to obtain the sample would seriously harm human dignity”. (Neagu (coordinator), Damaschin & Iugan, 2016, pp. 440-441) The evidence obtained by torture means both physical and psychological.

- derived samples - samples are those obtained by legal means, but which are based on a sample obtained unlawfully other and could not be obtained otherwise.

Not every violation of regulations regarding the evidence points automatically exclude them, so the person requesting the exclusion of proof must come with evidence and arguments to support its claim (eg the fact that the witness has sworn before a hearing does not attract exclude his statement).

Evidence obtained illegally, including through torture are not excluded if they are in favor of the person whose rights are violated.

There is some evidence leading to reasonable suspicion that a person has committed an offense under the criminal law does not lead to rebut the presumption of innocence, but to advance prosecution or the commencement of trial orders, so if evidence adduced leading to reasonable suspicion that a person has committed a crime but through them is not wasting any reasonable doubt can not reach conviction, which follows from the principle “in dubio pro reo”.

“Under the procedural rules, the presumption of innocence finds, most often, the applicability of the rules of evidence, the suspect or defendant is not obliged to prove his innocence, can make use of the right to silence, the burden of proof incubate prosecuting authorities, which are required to manage the necessary evidence to prove beyond reasonable doubt the existence of the offense, the constituent elements of the offense, in terms of subjective and objective, and the lack of any impediment to the initiation or pursue criminal action provided by art. 16 NCPP” (Udroiu, 2014, p. 15)

For a person to be sentenced to a punishment of a criminal nature and therefore to rebut the presumption of innocence, the evidence on which it was disposed the conviction should be obtained by lawful means to be both relevant and conclusive although must be examined by the court according to the principle of free assessment of evidence, they should remove any doubt about the guilt of the defendant, otherwise the court is obliged to order payment. The same requirement is analyzed and samples which lead to the aggravating circumstances for the defendant, therefore if they can not be proven by evidence of sufficient strength will not be taken into account in determining the penalty.

*“Violation of the presumption of innocence can come both from a judge or a court, as well as from other public authorities, such as police, prosecutors, especially since the latter exercise functions cvasijuridice and control the investigation. A ASEM touch can be provided by their statements or documents reflecting the impression that a person is guilty and encourages the public to believe in his guilt or which prejudice the assessment of that person by the competent court facts”.* (Udroiu, 2014, p. 13) This violation of the presumption of innocence, even if not clearly preceded condemnation, seriously undermine the person of its occurrence.

### **III. Indissoluble Link between the Burden of Proof and the Principle of Finding the Truth in Criminal Proceedings**

Indissoluble link between the principle of finding the truth and the taking of evidence in criminal proceedings will lead us to outline the importance of this principle. Of evidence in criminal proceedings is that activity are collected facts and circumstances established relevance in solving the case and finding the truth.

Probative procedures is the means for administration is in the hearing samples and consist procedure subject/parties/witnesses, lifting items/documents in the case of egregious offenses, the performance of expert technical supervision, etc.

The burden of proof in criminal will always competent judicial bodies, whose main objective truth involved and whom rests the obligation to collect and produce evidence both for and against the suspect or defendant, *ex officio* or *upon request*.

During prosecution, the prosecuting authority will collect and produce evidence on its own initiative and at the request of the injured person, the suspect or parts. During the trial phase, of evidence it will be made mainly by the court, but may require new evidence by the prosecutor/injured party/parties. It is important to note that these requests management new evidence before the court will be made before the completion of the inquiry and the evidence disputed by the parties in criminal proceedings can not be re-stage inquiry but will be regarded as such.

Requests for new evidence can be dismissed by the court if the following conditions persist:

- sample is not relevant to the case (case is irrelevant compared to the object);
- sample is useful (there is sufficient evidence to prove the actual object element of proof);
- sample consists of an obvious fact / notorious that should not be shown;
- proposed unavailability of the sample (the law does not allow obtaining the evidence suggested mode);
- process the sample by the sample is obtained unlawfully.

The principle underlying loyalty of evidence of the administration of evidence, but has an essential influence on the principle of finding the truth. This principle is based on three essential prohibitions breach of which will lead to the exclusion of evidence obtained illegally:

- can not use violence/threats (any physical or moral constraint means) or promises/call to action by the judicial authorities to obtain some samples;
- can not be used even if there is consent, methods/listening techniques that can affect cognitive ability of the person from which desired to obtain evidence to report freely and consciously works which he knows. Moreover, if people are heard in an inability to be able to report the facts, judicial authorities are obliged to postpone the hearing until the person will be able to relate consciously facts/circumstances as perceived reality;
- is prohibited by the judicial authorities conduct that causes/calls a particular person to commit an offense or to continue committing a crime in order to obtain a given sample.



**The principle finding the truth**<sup>1</sup> Mix the link between public policy and public good every time we are faced with a need to sanction conduct contrary to public policy and public good. This principle is in conformity conclusions reached by the prosecution and the objective reality in terms of the act and its author. To implement this principle is that judicial truth (found by the judicial bodies) to meet the objective truth.

Depending on how it will look “kind of truth”, the judiciary or the lens, we see the birth of two systems of law:

- inquisitorial system - is defined as any method of obtaining objective truth;
- adversarial system - this system considers the discovery of objective truth an illusion, and the criminal procedure can be found only judicial truth that emerges from the evidence gathered rigorously, which may differ from the objective truth.

The two systems within a third system, continental, a mixed system which requires that in criminal proceedings, the objective truth to be confused with the judiciary, the courts can not find anything other than what actually happened.

It creates in charge of criminal investigation bodies obligation to the truth both on offense and its circumstances, and on the suspected or accused only on the basis of evidence:

- evidence - any evidence which lead to determine the existence or nonexistence of a crime, to identify the person who committed the offense and determine the circumstances/circumstances that help fair settlement of the case, thereby uncovering the truth in criminal proceedings<sup>2</sup>;
- evidence - have no probative value established by law, which are at the discretion of the judges, establishing the value of the evaluation and interpretation of the whole entire evidence.

**Base achieve the purpose of criminal proceedings** is based on the finding just and timely facts as crimes that no innocent person may not be prosecuted, and anyone who has committed a crime to be punished in proportion to his guilt within the law<sup>3</sup> - the case be decided by the courts must be done to guarantee the rights of subjects management process and ensuring rigorous and accurate evidence in order to establish the truth<sup>4</sup>.

*Another essential duty* which rests criminal investigation bodies under this principle, it is to manage the evidence both for and against the suspect or defendant. Criminal investigation authorities have the duty of care in the management of conclusive evidence, but the court is not obliged to present all evidence offered by them and the defendant, but only those that will lead to the truth.

Based on the above mentioned ideas, we outline that **obligation judicial bodies** It is to find the following under the principle finding out the truth:

- to state **existence offense** forming the subject of the charge;

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<sup>1</sup> Truth, Criminal Procedure Code, Art. 5 “(1) The judicial bodies are obliged to ensure, based on evidence, truth of the facts and circumstances of the case and on the suspect or defendant. (2) The prosecution are required to collect and produce evidence both for and against the suspect or defendant. Rejecting or failing maliciously suggested evidence for the suspect or the accused is punishable under the provisions of this Code.”

<sup>2</sup> Art. 97, Code of Criminal Procedure.

<sup>3</sup> Art. 8, Code of Criminal Procedure.

<sup>4</sup> Art. 349, para. 1 Code of Criminal Procedure.

- to state precisely **circumstances of place and time** the offense was committed, the ways and means of committing thereof;

- **motive and purpose** the perpetrator pursued by the act, and the form and manner his guilt;

- if after committing the offense has caused damage will be established *its scope and circumstances that influence the criminal and civil liability* the offender and possibly the person responsible civilly;

Implementation and observance of the principle analyzed will result in a *variety of procedural safeguards*:

- *systematic control* and cross consists of judicial control organ hierarchically superior consistency between reality and the conclusions made by a criminal investigation body that previously had case to:

• superior prosecutor will control and approve or not the documents issued by the prosecutor of the case;

• **gathering** and production of evidence is controlled and verified by the court receives the case to that also can check and data solutions prosecutor not to indict;

- any person who has suffered injury after performing procedural acts may exercise the right to complain against them;

- it is possible appeals procedures - in criminal procedure is instituted instance double obligation that stems from the European Convention “*any person convicted of a criminal offense by a court is entitled to examine the statement of his conviction or sentence by a higher tribunal*”<sup>1</sup> ;

- inevitably there will be cases of miscarriage of justice, and in these cases will be compensated, possibly involving patrimonial liability of judges Judges “*when a criminal conviction final is subsequently reversed, or he has been pardoned, because a new or newly discovered fact shows that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to the law or practice of the State*”<sup>2</sup>.

**The principle finding the truth** finds applicability throughout the trial and not just to a final decision of criminal conviction (which is the final moment of trial orders, followed by the execution of the final sentence) is in constant coordination with other fundamental rules and special trial.

#### **IV. Case Studies of European Court of Human Rights Concerning the Violation of Presumption of Innocence and the Principle of Finding the Truth in Criminal Proceedings**

**Cause Pavalachi against Romania (breach of the presumption of innocence)** - the applicant was arrested for corruption (influence peddling) on 18.10.2002 by the judicial police and prosecutors for NAPO, followed a complaint lodged by two businessmen. Retention occurred after an act done by prosecutors. Subsequently, not only during the criminal investigation and during the trial several trusts the media and politicians in high-ranking Romanian state and even the case prosecutor gave statements issued opinions and prepared items as it showed the applicant as being guilty, without be a final sentence this (conviction became final on 07.10.2004 - sentence of six years imprisonment for the offense of trading in influence).

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<sup>1</sup> Art. 2, paragraph 1 of Protocol No. 7 European Convention.

<sup>2</sup>Art. 3 thesis I of the Protocol. 7 European Convention.

**European Court of Human Rights** admitted that the presumption of innocence can be achieved both by the statements of judicial bodies and other public authorities and granted the plaintiff's claim, finding quite rightly that the statements reflect the applicant's guilt and incited the public to believe that the person sought is guilty. Moreover, information media even by the prosecutor of the case on remand of the applicant and the support that all evidence gathered converge toward establishing guilt and to ensure that it will be convicted is a serious violation of the presumption of innocence, in our view even imposing a disciplinary investigation of the prosecutor concerned. Finally, the ECHR

**Cause Opris against Romania** (Breach of the principle to establish the truth) - On 05.06.2003 the complainant was introduced as a suspect in the investigation of drug trafficking (heroin). On 03/20/2003, following a flagrant applicant was arrested. It calls into question the applicant's arrest in this case even as it has agreed to carry a suspicious package, under precarious financial situation was at the instigation and suggestion of an undercover investigator. The applicant requested the prosecution phase of confrontation with the undercover agent in order to establish the facts, investigation to pinpoint the person required to deliver the psychoactive substances and also requested expertise on the substance of the package. On the day of the request, they rejected the applicant's requests regarding the confrontation with the undercover agent and expert on substance, but was initiated in terms of identifying the recipient of the substance. During the criminal proceedings were heard four witnesses who could provide information regarding drug trafficking.

The applicant was sentenced to five years imprisonment on statements obtained parquet, the list of dialed numbers and based on images obtained during the operation of the act.

**European Court of Human Rights** noted that the evidence in the file does not support the version of the complainant and judicial bodies. The applicant had not been involved in drug-related activities, and after the search conducted at his home there was no evidence that could connect him to the rest of the smuggling. The Court also tends to accept version applicant stating that he was the victim of a provocation on the part of judicial and police because they believe that state bodies should administer tests to eliminate any doubt about the applicant's guilt, or hearing on appeal undercover agent, it could not provide answers eloquent to prove intent and the applicant's guilt. Thus, recognition of crimes committed after challenge is unable to challenge or eliminate its effects. Given the fact that there is a decision of the superior court to motivate detailed and complete solution, but joined simplistic to the reasoning of the lower courts, Court held that the applicant had not had a fair trial and should be granted reparations amounting to 2.400 EUR 425 EUR injury morals costs.

## **V. Conclusions**

The idea, which was the basis of our election to simultaneously analyze in this paper the principle of presumption of innocence and finding the truth in criminal proceedings is to link cause and effect between the two principles, failing and failing undoubtedly one leading the other. Moreover, their importance is emphasized and close connection with other criminal procedural guarantees (right to a fair trial, the right not to testify, the right to defense, etc.) that can be affected essential violation of presumption of innocence and finding the truth.

**Burden of proof** the essence of the principle of finding the truth, and the degree of efficiency and certainty of the evidence is the element that may or may not presumption of innocence.

**The rule of law** It is by definition the absolute supremacy of the law in order to protect fundamental rights and freedoms of the individual. Criminal and criminal procedure, these rights are likely to be

broken easily, which could be observed in countries were governed by totalitarian systems, including Romania until the '90s.

Looking from the perspective of duality presumption of innocence-preventive deprivation of freedom on one hand and the principle of finding the truth-of evidence on the other hand, is born a conclusion complex consists of two large planes creates many problems in the legal system Romanian namely liability perspective magistrates and judges separate careers.

Without a trace of disbelief is that when violated the presumption of innocence and the principle of truth finding damage occurs, significant both moral and patrimonial rights of which have not been respected rights in criminal proceedings being hijacked essentially even fundamental purpose of criminal proceedings. To counter these possible negative effects, the Romanian legislator established by Law 303/2004 regarding the statute of judges and prosecutors<sup>1</sup> under Title IV (Arts. 94-101) accountability of judges and prosecutors in terms of civil, disciplinary and criminal. From my personal point of view, even if this liability was adjusted over time through various laws, implementation thereof is difcilă for the injured magistrates who have violated fundamental rights and freedoms as it will be proceed with an action against the Romanian state, and the latter will move the action for recourse against the magistrate who violated the criminal procedure. All this procedure is extremely thick, finally reaching the injured to appeal to European Court of Human Rights to recover damages caused by judges, be they judges or prosecutors,<sup>2</sup> Romanian state in the European courts decisions.

***Lex ferenda*** we consider that this institution the responsibility of magistrates will be coupled with beneficial changes that will be introduced by the draft amendment of the Criminal Code and Criminal Procedure, the proximity principle of subsidiarity, where the injured will have easier access to repair damage , as follows:

- ***assuming liability magistrates***- to develop applicant is able to notify the inspectorate of the jurisdiction where the court or prosecutor who caused the injury claimed. Judicial Inspection to have a role in organ research and claim to be processed in ways similar to the procedure for interim (emergency and priority) in front of a panel appointed by the Department of prosecutors or district judge (as the rights have violated) of the Superior Council of Magistracy. Panel appointed to be in the Court of Appeal in the district court or prosecutor who was claimed to be infringed petitioner or of the High Court of Cassation and Justice, as appropriate;

- ***assuming disciplinary liability of magistrates*** – we consider the current regulation that is beneficial that polling judge or prosecutor of the Superior Council of Magistracy examines disciplinary cases and make decisions regarding this liability, and including where appropriate disciplinary sanctions;

- ***assuming criminal liability of judges***- establishment of the Department of Justice Investigation of Crimes of the Prosecutor's Office by High Court of Cassation and Justice is in my view a first step towards ensuring individual rights and liberties, of fair trials and that all procedural safeguards. Subordination to the Attorney General is only administrative. That both the chief prosecutor of this department and prosecutors shall be appointed by the contest by Department prosecutors of the Superior Council of Magistracy ensures their independence from political environment, a measure of appointment which from our point of view it It is extended to the appointment of senior prosecutors of the National

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<sup>1</sup> Republished in the Official Gazette of Romania, Part I, no. 826 of September 13, 2005, as amended and supplemented under amending normative acts published in the Official Gazette of Romania, Part I, until October 16, 2018.

<sup>2</sup> Because Didu vs. Romania (breach of the presumption of innocence), Case Pavalachi vs. Romania (breach of the presumption of innocence), Case Torje vs. Romania (violation of fair trial), Case Cognac VS Romania (violation of fair trial), Case Comorasu vs. Romania (violation of fair trial), etc.

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THE 14<sup>TH</sup> EDITION OF THE INTERNATIONAL CONFERENCE  
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**The Influences of Globalization  
on National Security of States**

**Nicolae-Florin Prună<sup>1</sup>**

**Abstract:** Globalization has been developing since 1980 and it was an important reason of some changings and development in not only world economy, but also our daily life. There are some reasons affected on the development of globalization. Economic and social issues and political movements happened in the world in recent years were one of the essential factors of re-actualization of globalization and integration. Before starting to analyze the association between globalization and countries economies, implementation, regulation and supervision of Globalization in a country and world should be considered.

**Keywords:** Economy; Integration; Regional

## **1. Introduction**

Globalization is conceptually required in the 1990s in the works of many foreign theorists. The Globalization - National Security Report has a wide international debate, especially after the September 2001 US events that have shown that the world is not ready to respond to global asymmetric threats, to keep current sources of instability and armed conflicts under control.

According to Zbigniew Brzezinski, the security equation of the world can no longer be thought out of American supremacy, and “enhancing global security is an essential component of national security.” Only a global strategy, starting from the causes of the widespread crisis in which the world is currently in place, can reduce the national insecurity of America and other countries around the globe. National security built on the global war on terrorism is an alternative that should be replaced by the one based on the idea of a global crisis, and in the future security equation, the option of partnerships should be put in the forefront. (Popa, 2005, p. 5)

Romanian researchers in the field believe that globalization is a major factor in achieving national and regional security and that the latter can not be fully ensured without first ensuring the planetary security. The dangers of the future have one thing in common: they do not respect national borders.

White Paper on National Security and Defense also stresses the need operation at regional and global levels to promote the security interests of Romania, which shows a clear understanding of the implications of global security on national security, the requirement of providing realistic models of new security threats own formulation, within NATO, whose members for 15 years, the possible types of response to unconventional threats in situations of asymmetry and in contexts other than those for which NATO was designed.

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New approaches to security - national, regional and global - show that there is a close link between globalization and security. In a world characterized by globalization (threats, markets, global media, etc.), national security is deeply marked by the implications. Globalization, as a manifestation of multiple interdependencies between countries, the liberalization of the global flows of information, services, goods and capital, makes internal and external risks to generate and mutually supportive, and finding answers security, nationally and beyond, the new threats start from the fact that the latter appear anywhere in the globalized world, are extremely dynamic and complex.

## **2. Globalization - Necessity and Reality**

The process by which the world tends to become a unique space, globalization is either challenged (conservative), promoted courageously (by liberals)<sup>1</sup> as a measure of universal prosperity, peace and freedom, treated as a danger, from the angle of supraterritoriality and dimension planetary social relations (of criticism). The hyperglobalists place globalization in the field of the economy, treating it as a process of “denationalising” the economies, developing a borderless economy, establishing transnational networks of production, commerce and finance, much more powerful than the states themselves. It is even considered that economic globalization creates and will create new forms of social organization that will eventually replace traditional nations. (Held, McGrew, Goldblatt & Perraton, 2004, p. 27) The aspirations of hyper-globalization, seen primarily as an economic phenomenon, are predicting an increasingly integrated global economy with growing social polarization, with governance institutions and global expansion, in fact a new global order in which state sovereignty and autonomy erodes continuously.

Skeptics reject the idea of undermining the power of national governments or state sovereignty by economic internationalization or global governance, which is illusory in nature. Transformationalists see in globalization a powerful transforming force of societies, governing institutions, and world order, a historic, contradictory and time-constrained historical process (Held, McGrew, Goldblatt & Perraton, 2004, p. 31) that leads to a global stratification of societies and communities increasingly involved in the global order and, on the other hand, increasingly marginalized societies and communities, breaking the relationship between sovereignty, territoriality and state power.

Defined as a process of widening, deepening and hurrying global interconnection, globalization is situated in a space-time continuum of change, with “linking and expanding human activity across regions and continents”. (Held, McGrew, Goldblatt & Perraton, 2004, p. 39) A differentiation of this process from localization, nationalization, regionalization, and internationalization naturally leads to defining the concept of globalization not as a single state but as a process or set of aterritorial processes of global structuring and stratification of social relations and transactions, (Held, McGrew, Goldblatt & Perraton, 2004, pp. 40, 51-52) flows and transcontinental or interregional networks of activity, interaction and exercise of power. (Popa, 2005, p. 8)

Between the definition of globalization as a phenomenon expressing the development of social and economic relations that extends throughout the world, according to Anthony Giddens, as a future stage of the process of social, political, economic and cultural development of mankind<sup>2</sup>, and as “the ensemble of the resulting phenomena from the increasing opening of savings to foreign commodities and capital”, according to Bernard Guillochon, we distinguish similarities in the impact of globalization on

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<sup>1</sup> Rel. Jan A. Schulte, *Beyond the Buzzard: Toward a Critical Theory of Globalization*. In (Koffman & Youngs, 1996).

<sup>2</sup> Anthony Giddens, *Sociology*, Cambridge, Plity Press, 1991, p. 727, apud gl. conf. univ. dr. Mircea MUREȘAN, *Globalization, integration, development - the pillars of a sustainable world*, Impact Strategic Magazine nr. 1/2005, pp. 7-8.

development and integration in world structures and its profound implications in all areas of human activity. This is about an active and necessary opening of states and communities outwardly as a useful response to the ever-growing complexity of processes in a more interconnected world.

Legitimate to the objective need for development and democracy, but also to justify “the desired changes in politics and the economy”, “the staging of political transformations”<sup>1</sup>, globalization systematizes, in a process in which interdependence leads to enormous implications, forces states to cooperate to achieve their goals and serve their interests. (Gilpin, 2004, p. 24)

Regarding the multiculturalism of globalization, it is crystallized in American academic circles that globalization has been triggered because democracies have won victory in their prolonged struggle with totalitarian ideologies. The disappearance of the bipolar order of the Cold War has paved the way for international success in a climate where representative governments, free markets, the development of trade relations and multilateral cooperation have become the benchmark of progress in so many places. The causes of globalization are, in fact, according to Robert Gilpin, in the technological progress and interaction of the forces on the market, which increase the level of integration of the world economy.

More directly, the causes of globalization must be sought in customs barriers, transport costs, free trade at regional level, technological progress. After Robert Gilpin, economic globalization was driven by political, economic and technological changes. Time and space compression, owing to advances in communications and transport, has substantially reduced the cost of international trade, causing industrialized and less industrialized countries to take measures to reduce barriers to trade and national investment, which appear as a “detachment” of the economy market by moral norms and institutionalized ties between societies.

### **3. Global and Regional Determinations on National Security**

As a consequence of globalization, many transnational developments and processes have a significant impact on national security. In addition to stimulating economic growth and opening up societies, recent issues highlighted by specialists<sup>2</sup> highlight some inconveniences of the globalization process, which can lead to the destabilization of states, alienation of ancestral customs, the vulnerability of entire regions to the spontaneous fluctuations of the world economy. (Popa, 2005, p. 28)

Governments are taking measures to protect their own territory against new threats by aligning themselves with the international anti-terrorist coalition, working with other parties to defuse international conflicts, preventing the proliferation of weapons of mass destruction, increasing economic growth under the conditions of developing free markets and free trade, the elaboration of cooperative action programs with world power centers, the transformation and adaptation of national security institutions to the requirements of the 21<sup>st</sup> century.

At an economic level, the security of nation-states is affected by globalization through the particularities of the international transaction process, within the tight, out-of-state state, transactions that account for almost all foreign direct investments, over 35 percent of global direct investment (GDP) and more than 75 percent of world trade. Together with the rise in international financial markets, the aging of the

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<sup>1</sup> Ernst-Otto Czempiel, *Regionalisierung und Globalisierung – Herausforderungen der deutschen Außenpolitik*. In [www.dados.org/globalisierung-rom/grundkurs-2/regionalisierung.htm](http://www.dados.org/globalisierung-rom/grundkurs-2/regionalisierung.htm).

<sup>2</sup> Richard Kugler, *Un internationalisme spécifiquement américain qui répond à la mondialisation*, <http://usinfo.state.gov/journals/itps/1202/ijpf/fkugler.htm>.



nation-state system controls the outflow of capital investment and dictates the monetary and fiscal policy of governments wishing to attract these capital investments<sup>1</sup>.

The consistency of the global potential for promoting security and stability, given by the concerted contribution of states and international organizations, ensures the very consistency of national security of states. Major global processes involving states, independently or within the UN, the World Trade Organization, the International Labor Organization, the International Monetary Fund, etc., are of direct relevance to national security.

Security systems know, from the perspective of serious human dangers, a renewed and consolidating dynamic, owing to the relations between Member States, international organizations and bodies. Based on the new principles of organizing regional and global security - democracy, effective governance and law enforcement - the state entities that are part of the international organizations are joining their efforts to ensure a peaceful coexistence framework and to avoid major conflicts.

As the European Security Strategy shows, “in a world where threats, markets and means of communication have a planetary dimension, our security and prosperity increasingly depend on the existence of an effective multilateral system” translates into a stronger international society, through the good functioning of international institutions and an international order based on a set of rules, on the defense and development of international law.

Taking the new security threats seriously, the EU has taken active steps to ensure stability and good governance in the immediate neighborhood, to build an international order based on effective multilateralism, to prepare an adequate response to new complex threats, coherent preventive actions against crises and threats.

In the field of security and defense policy, analysts conclude<sup>2</sup>, the EU is now much more active and more effective, it pursues its multilateral and intense security objectives, shows more coherence in providing crisis management unit, allocates higher resources avoiding duplications, better coordinating existing resources, maintaining privileged relations with the US, but developing collaboration with other major players on the world stage, building active partnerships with states that share and defend their goals and values.

Global security, one of the stringent imperatives of the present, has strong support for state security. From the great powers, which are concerned with the strengthening of strategic stability, to the small, willing, even more, states of preserving their national security, they are all vitally interested in building a climate of global peace and confidence.

In the extensive efforts to develop cooperation on non-proliferation of weapons of mass destruction and their launching devices, tightening existing regulations in the field, combating international terrorism and other cross-border threats, states have a strong, permanent involvement.

First, politically, states are interested and concerned about coordinating their positions and acting jointly to help find solutions to these major issues as well as conflicts that persist may seriously affect peace and stability in the environment geographically and globally.

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<sup>1</sup> Norman A. Bailey & Criton M. Zoakos, *After the end of history*, [www.neweuropereview.com/Romanian/După-sfarsitul-istoriei.cfm](http://www.neweuropereview.com/Romanian/După-sfarsitul-istoriei.cfm).

<sup>2</sup> Professor PhD Liviu Mureșan, professor PhD Adrian Pop, professor PhD Florin Bonciu, *European Security and Defense Policy - an element influencing Romania's actions in the field of security and defense policy*, [www.ier.ro/PAIS/PAIS2/Ro/studiul4.pdf](http://www.ier.ro/PAIS/PAIS2/Ro/studiul4.pdf), p. 11.

Through an active, dynamic national security policy, state security achieves a complex involvement in international security. In recent years, national defense policies, state preventive diplomacy, are combined with offensive policies to promote their own interests that support global stability in different regions of the world.

States are directly involved in restructuring the global security system, economic co-operation, and adapting international law rules and principles to globalization-driven developments in UN, OSCE, EU and WTO. At OSCE level, States contribute to improving political, economic and environmental security, promote multi-ethnicity, manage crisis areas, actively address security issues through cooperation, eliminate tensions and conflicts, maintain regional and international stability, make efforts to democratize other strategically, promotes effective multilateral cooperation. (Popa, 2005, p. 41)

From the analysis of the implications of state, national security on global security can not be missed an interrogation like this: what role, in consolidating the global security system, the development of a coherent, supple and polyvalent tool at national level, and the achievement and optimization of the interoperability with the allies and partners? Undoubtedly, an organizational construction capable of generating immediate, decisive results at an operational and strategic level, especially externally, on theaters of action outside the areas of common responsibility, is an important instrument in strengthening the global security system. In this respect, national transformation approaches aligned with those of NATO, for example, make the army of a Member State an institution of great flexibility, mobility and flexibility, capable of operating in the full spectrum of conflict, rapidly deployable and capable of to carry out network operations, technologically superior, fully logistically supported through an integrated logistics system.

With such military capabilities - polyvalent, adequate to dislocation and support in the theater, but also to the degree of use and availability - the army can perform complex missions to maintain the security and territorial stability of the state, but also to strengthen the Alliance's capabilities to - and sustains global interests, given the diversity and gravity of the threats of the current century.

But the implications of national security on the global one can also cover other areas of activity. If valorisation and the development of cultural, scientific and human potential are an essential component and source of national security, then they have a significant impact on global security.

It is eloquent, for example, how the states, in the face of the hasty offensive of cultural globalization, preserve their cultural unity, together with territorial integrity, by means of punctual programs of local and regional affirmation of distinct cultural identities. In practice, there is an ongoing struggle to preserve national values and sentiments, despite the demolition and secessionist tendencies in some places.

As specialists appreciate, hybrid cultures and transnational communities can not decisively affect the essence of national cultures and national identities, and therefore the cultural security of nation-states. Although the balance of cultural influences tends to overcome the differences between national cultures, threatening the security of major domestic cultural projects, the nation, as a major political and cultural community, manages to oppose cultural cosmopolitanism, which is increasingly seen as an ephemeral of globalization.

The increasing deterioration in post-war post-war rights of the notion of national security over collective security did not eliminate as unfounded the valences of the former, in the context of the vertiginous growth and diversification of cross-border risks and threats, on the contrary. Fighting insecurity, corruption, tax fraud and smuggling, organized crime, and terrorism have all forced a vigorous and punctual government offensive, in unison with civil society, NGOs, public institutions, on the lines of

the national security strategy , strongly impacting on strengthening the state as a pillar of security, subregional, regional and, implicitly, global security.

#### **4. Implications of Global Security on National Security**

In the prolongation of the previous demonstration, we must emphasize that, while for the great powers of the “security community” such as the USA, traditional national security is restructured by the practice of cooperative security<sup>1</sup>, for small and medium-sized states without a relevant military force, it becomes a component part of international security. Let us not, however, be mistaken by categorical assertions, because even in the case of large countries or superpower represented by the US, cooperative security is, first and foremost, a way of strengthening national security. (Popa, 2005, p. 43)

In fact, global security is a construction in the space of interdependencies, it is a security of interdependencies, of international relations. It is multilaterally involved in national security, giving it the consistency and permanence that is found in the solidity and stability of the security environment. The engagement of states in the world order is limited by military and security obligations and commitments previously made. (Held, et al., p. 174) In this way, it is clear that national choices in the field are preceded either by joint decisions at NATO level or by bilateral or multilateral consultations within other international organizations.

That is why we perceive the interdependence of global security - national security as a dynamic interaction, in a continuous movement and transformation. Frequently interrogated by researchers, if national security can be ensured without first ensuring full international security, it is inevitably superfluous while the latter has an ever-increasing involvement in the security of state entities enrolled in the community International.

Are situations where global security can affect national security? The clarification of such a question arises from the fact that global security is an integrative one, including national and regional security. Global security and security terms are complementary, even if global security includes national security in its content.

From this hypostasis, it can exert, at a certain moment, some pressure on national security and carry out a transfer of competences and roles from the latter to oneself. As a beneficiary, national security can diminish its sphere and content by self-inflicting.

As the degree of global integrity security increases, the importance of national security is reduced to certain global security functions (combating sources of asymmetric threats, borderline insecurity, organized crime, etc.).

Domain analysts perceive two trends in the development of the global security - national security relationship: a mistrust in global security that creates a discontinuity between national, regional and global type security, and another exaggeration the role of global security, which leads to the diminution of the role of national security, this being a vulnerability that affects both global and national security.

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<sup>1</sup> Weber, S., *Shaping the post-war balance of power: multilateralism in NATO*. In J.G. Ruggie (coord.), *Multilateralism Matters*, New York, Columbia University Press, 1993, citat de David Held et al., op. cit., p. 175.

## 5. Conclusions

As there is a global and regional determination of national security, together with the dynamic opening of states to the outside and enhanced cooperation and international cooperation in the field, the multilateral efforts of the international community are directed towards the peace, security and stability of regions and the world. Understanding that they work for themselves, states must actively contribute to the deepening of the systemic security character, to a preventive and coordinated approach to global security, supporting by all means the reform of the security institutions, the realization of the new security architecture. A greater chance of cooperative security must be given, which, supported by provision and partnership, offers an optimistic outlook on global security and, implicitly, on national security, and it is active policies that are the only ones able to cope with new threats. In the global space, some activities are needed to help strengthen national security.

These refer to:

- increasing the resources generating national security, in the context of strengthening collective security;
- increasing the efficiency of collective security systems, currently very limited;
- regional development of cooperative defense, with the participation of countries and non-governmental actors;
- enhanced economic co-operation, amid diminishing, by common approaches, the negative effects of globalization;
- development of viable mechanisms for regulating and controlling the international cooperation environment, with emphasis on the factors of insecurity: the financial-banking environment, the economic one, the criminal one, the underworld terrorist;
- developing asymmetric threats management and control systems;
- reducing economic, social, political, military, environmental vulnerabilities;
- enhance the concern that global security should be a generator of national security development, as it is viable when it has the value of a system of systems. (Popa, 2005, p. 47)

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