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INTRODUCTION

The second issue of *Cluj University Journal. Interdisciplinary: Social Sciences and Humanities* (Vol. 3/2025) brings together a diverse range of studies exploring the intersection of history, urban development, economic strategies, and community-based innovation. Reflecting the journal's interdisciplinary mission, this volume bridges historical analysis, architectural heritage preservation, business modeling, and socio-economic transformation, offering insights relevant to both scholars and practitioners.

The articles featured in this issue underline a shared preoccupation with resilience, adaptability, and the sustainable use of resources—whether material, cultural, or social. Historical perspectives, such as the detailed examination of Romania's interwar public asset commercialization, shed light on the complex interplay between legal frameworks, state strategies, and economic modernization. This exploration of institutional governance and policy design resonates beyond its historical period, offering contemporary lessons on public resource management and state–market dynamics.

In parallel, contributions focusing on urban heritage and architectural strategies emphasize the urgent need for balanced approaches to cultural preservation in rapidly changing urban contexts. The case study of Bistrița's historic center exemplifies how local identity, civic engagement, and sustainable urban policy can converge to create living heritage, rather than static conservation. Through comparative insights and practical proposals, these studies contribute to the growing discourse on circularity, community participation, and urban aesthetics as strategic tools for social cohesion.

Equally significant is the focus on innovative business and social models, as illustrated by the analysis of multidisciplinary sports facilities designed to address youth well-being and community development. This approach integrates entrepreneurship, education, and social inclusion, demonstrating how scalable infrastructures can become catalysts for healthier, more connected urban environments.

Together, these contributions highlight the journal's commitment to fostering dialogue between disciplines and bridging theory with practice. The thematic diversity underscores a central idea: sustainable progress—whether in governance, urbanism, or social innovation—depends on integrating historical understanding, strategic planning, and community-driven approaches. This issue invites readers to engage critically with past experiences and contemporary challenges, offering pathways towards resilient and inclusive futures in the social sciences and humanities.

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**THE COMMERCIALIZATION OF PUBLIC ASSETS IN INTERWAR ROMANIA:
LEGAL FRAMEWORKS, STATE STRATEGIES, AND ECONOMIC OUTCOMES
(1924–1940)**

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ABSTRACT

This paper analyzes the legal and institutional framework governing the administration and commercialization of Romania's state-owned enterprises between 1924 and 1940. It examines the evolution from the Law of 1924, which sought to ensure profitability and State control over public assets, to the more liberal framework introduced in 1929 by the National Peasant Party, which encouraged both domestic and foreign capital participation. The study provides a comprehensive assessment of legal classifications, management models, and economic performance of various public institutions, including transport, energy, forestry, and finance. Drawing on historical data and legislative analysis, the article highlights the strategic role of the State in industrial development and the broader economic transformation of interwar Romania.

KEYWORDS: *commercial law, interwar romanian economy, public administration, state-owned enterprises*

J.E.L CLASSIFICATION: H82, L32, N44

1. INTRODUCTION

In the interwar period, Romania undertook a series of reforms aimed at transforming the management and function of its vast State patrimony. With extensive public assets including mineral resources, forests, transport infrastructure, and financial institutions, the Romanian State emerged as a pivotal actor in national economic development. Beginning with the 1924 Law on the Commercialization and Control of State Economic Enterprises, a system of legal classification and administrative regimes was implemented to balance profitability, public interest, and national sovereignty.

These reforms were significantly expanded under the National Peasant Party government after 1928. The 1929 law, promoted by Virgil Madgearu, aimed to stimulate efficiency and economic

contribution by reorganizing public institutions into commercial forms, often allowing mixed ownership with private capital. This legal shift marked a departure from previous protectionist policies by opening the door to foreign investments, although the impact was moderated by global economic constraints.

The institutional structure of Romanian public enterprises during this period reflects broader themes in interwar European governance: the tension between liberalization and national control, the role of the State in economic modernization, and the emergence of industrial policy as a tool for national development. The aim of this article is to explore how legal frameworks, political ideologies, and fiscal needs interacted to shape the performance, governance, and strategic importance of state enterprises between 1924 and 1940.

2. THE FOUNDATIONS OF STATE ENTERPRISE REGULATION (1924 LAW AND ITS IMPLEMENTATION)

State-owned assets were classified and evaluated according to private and public law as income-generating institutions and services – agricultural, forestry, fishing (ponds), mining properties, etc. The impressive State patrimony had at its core the underground resources. According to Article 19 of the March 1923 Constitution, with the exception of stone quarries, common rocks, and peat deposits, all other mineral deposits belonged to the State (Lascarov-Moldovanu, Ionescu, Constitution of Romania 1923). The State established numerous economic institutions, divided into two main categories: some aimed at generating budget revenues, and others intended to provide economic and social services (Lascarov-Moldovanu, Ionescu, Constitution of Romania 1923). Among the institutions created for the purpose of revenue generation, we mention:

- a) For fiscal assets – the Autonomous House of Monopolies of the Kingdom of Romania (CAM) and the Commercial Administration of the Alcohol Sales Monopoly and Consumption Taxes on Spirits (MAT);
- b) For agricultural and forestry assets – the Administration of the State Forests House (CAPS); the Commercial Directorate of Fisheries (PARID); the Commercial Administration for the Exploitation of Penal Labor (EMP); the Autonomous Administration of Agricultural and Livestock Farms (REAZ); the Directorate of Army Estates (AMA);
- c) For industrial assets – the Administration of Metallurgical and Mining Enterprises in Transylvania (RIMMA), which in March 1940 became “Minaur” and the “Iron Works” of Hunedoara; the army's industrial establishments; the General Directorate of the Official Gazette and State Printing Offices; the National Mint; the Administration of Royalties and Mining Taxes (RIM), as well as mixed administrations such as the Lonea Company for Coal Exploitation; the National Methane Gas Company; the Copșa Mică-Cugir Works and I.A.R.;

d) With a financial character – the C.E.C. (Savings Bank) and the Autonomous House for Financing and Modernization (CAFA).

The second group of institutions or services with an economic and social character includes: transport and telecommunications enterprises – the Autonomous Administration of the Romanian Railways (C.F.R.); the General Directorate of Posts, Telephones and Telegraphs (PTT); the Commercial Administration of Ports and Waterways (PCA); the Romanian Maritime Service (SMR); the Danube Maritime Directorate (DDM); the General Directorate of Roads; the Health Fund; the Labor Fund; the Construction Fund; the General Pension Fund; the C.F.R. Labor Fund; the Pension Fund for Theatres and Romanian Operas; the National League Against Tuberculosis; the Administration of Saint Spiridon Hospitals in Iași and the Brâncovenesc Hospital Foundation.

Across these two major categories, the State created 31 institutions that provided activities and services in all branches of the national economy (Central Historical Archive). Their purpose and goals were tied to the proper functioning of the economic and social life, while also aiming to generate additional revenue sources for the State Budget.

The law that regulated the activity of institutions based on State assets was promulgated on June 6, 1924 (Central Historical Archive). The intention of the I. I. C. Brătianu government, and of the Ministry of Finance, led by Vintilă Brătianu – the promoter of the law – was to make public assets profitable and to increase State revenues (Law on the Commercialization and Control of the State's Economic Enterprises).

According to the law, the economic enterprises of the Romanian State were divided into two categories (Pascu, 1936):

(A) “Enterprises of general interest intended to provide public services on which the functioning of the national economy depends, or those enterprises that fall under a State monopoly, as well as those exclusively related to national defense.”

This category included: C.F.R. (Romanian Railways), P.T.T. (Posts, Telephones and Telegraphs), the State Monopolies Administration, the Army's Special Workshops, etc., all managed directly by the State, i.e., with “capital exclusively contributed by the State and administered based on special legal provisions.”

The following paragraph of the law specified that the organizations of the State Monopolies Administration involved in the production and manufacturing of tobacco, matches, and salt for export could be included under category B, that is: “Enterprises of a purely commercial character, whose object is State-owned property, but which do not represent an exclusive monopoly of the State.” Among these we mention:

- The exploitation of mining and metallurgical assets, State-owned spa resorts, and, in general, industries of all kinds;

- All types of State workshops not tied to the enterprises listed in category A;
- The Romanian River Navigation and the Romanian Maritime Service;
- The exploitation of State-owned forests, fisheries, slaughterhouses, and refrigeration plants;
- The exploitation of energy sources – coal, oil, methane gas, and hydropower. “These operations must comply with the Mining Law and Energy Law and be carried out under a regime adapted to the general interest at stake.”
- The valorization of any State rights, such as the distribution of petroleum products and others..

The assets and enterprises in category B could be exploited and managed “in association with private capital, preferably formed through cooperation, in accordance with the provisions of this law” (Monitorul Oficial, 1924). The 1924 Commercialization Law recommended this type of profit-sharing administration („*regie cointerestată*”) without excluding other forms such as concessions and leasing.

An analysis of the law reveals the principles on which the State’s assets could be capitalized: profitability, autonomy, and freedom of operation (Monitorul Oficial, 1924); the predominance of private capital (Law on Commercialization, 1924); and the mandatory establishment of capital through public subscription, with advantages for small shareholders in the allocation of shares in the event of capital increases.

Out of a desire to prevent the concentration of capital in the hands of a few investors who could dominate the country’s economic and political life (Law on Commercialization, 1924), the 1924 law gave priority to domestic capital in the exploitation of State enterprises. In accordance with the general orientation of the National Liberal Party (P.N.L.), promoter of the policy “by ourselves” (prin noi înșine), the law included restrictive measures for foreign capital, aimed at preventing the dominance of international financing in the capitalization of State assets.

In this context, foreign participation in commercialized State enterprises could only occur with a decision from the Council of Ministers and prior approval from the Higher Council for Control and Supervision, established under the Ministry of Industry and Commerce. Regardless, foreign capital could not exceed 40% of the company’s share capital, not even in cases of successive capital increases (Law on Commercialization, 1924).

The law also stipulated the obligation for shares to be registered (nominal) and required the approval of the Board of Directors for their transfer. Within the board, two-thirds of the members and the Executive Committee, as well as the President and General Director, had to be Romanian citizens. Moreover, within at most 7 years from the establishment of the enterprise, the proportion

of Romanian personnel in each category was required to reach 75% in terms of number, salaries, and allowances (Monitorul Oficial).

Even though the State allowed domestic capital to hold a predominant position in the management and technical administration of the commercialized enterprises, it reserved control over the assets managed under the profit-sharing regime („*regie cointeressată*”). Thus, the Higher Council for Control and Supervision was established.

To further ensure State oversight of commercialized enterprises, the law stipulated that each such enterprise would have a government commissioner appointed by the Council of Ministers, upon the proposal of the relevant departments and the Ministry of Finance. This commissioner would attend the meetings of the Board of Directors with consultative voting rights. If any decision was deemed contrary to legal provisions or the higher interests of the State, the commissioner could request the Government to suspend its execution. The Government – through the relevant department and with the advice of the Higher Council for Control and Supervision – would then decide whether to uphold or overturn the Board's decision (Monitorul Oficial).

The law also provided other measures to protect the economic and political interests of the State in enterprises that included private capital participation. In this sense, their management was supervised by a Board of Auditors (*Comitet de Cenzori*) consisting of 3 to 5 members, the majority of whom were appointed by the Government, based on the proposal of the Ministry of Finance and with the approval of the Higher Council.

The statutes of the company could not be amended except by Royal Decree, with the consent of both the Council of Ministers and the Higher Council. The President of the Board of Directors was appointed by the Government and held a tie-breaking vote in the event of a deadlock (Monitorul Oficial).

The State, “*armed with these rights, had the final say in all major decisions regarding the general orientation of the commercialized enterprises*” (Monitorul Oficial).

Under the 1924 Law – which remained in force until March 1929 – the State’s patrimony was exploited through various practical forms:

- a) Leasehold (Arendă) – for agricultural lands, fishing ponds, and partially for forest estates;
- b) Concession – for the exploitation of all underground resources;
- c) State administration (Regia de Stat) – for the Romanian Railways (C.F.R.), Posts, Telephones and Telegraphs (PTT), and the State Monopolies Administration;
- d) Profit-sharing or mixed administration (Regia cointeressată or mixtă) – for enterprises such as: “Lonea” S.A., the National Methane Gas Company, the Romanian Aeronautical

Enterprise, the Copșa-Mică-Cugir Works, “Orient – Radio”, the Romanian Broadcasting Company, “Făgăraș” Company, among others (Bolțuș, 1933).

3. REFORM AND LIBERALIZATION UNDER THE 1929 LAW

The National Peasant Party came to power in November 1928. It made monetary stabilization, the creation of financial institutions necessary for economic life, the liquidity of the public treasury, and the reorganization of the railways central elements in its economic governance program.

At the initiative of Virgil Madgearu, a new law regarding the organization and administration of public enterprises and assets was promulgated on March 15, 1929.

“Once the value of monetary stabilization is recognized as essential for the normal evolution of the national economy, it follows implicitly that the same value must be recognized for the public economy sector. To make the resources of this economy fruitful, it was natural to adopt, intensify, extend, improve, and supplement all organizational, administrative, and operational systems from the first legislative phase.” (Theodorescu, 1937).

Madgearu also emphasized in the Explanatory Memorandum that this need was even greater given the "mediocre results" of the State asset exploitation in the previous period (Mitru, 1938). He also pointed out a key opportunity justifying a new law:

“The classical methods of meeting the State's financial needs through taxation had been exhausted.” (Law on the Commercial Organization of Public Enterprises and Assets, 1929)

Based on these considerations, the 1929 law set as its goal: “the mobilization and capitalization of all public assets, regardless of ownership – whether of the State, county, commune, or affiliated institutions – ensuring they do not remain unproductive but are utilized through enterprises operated on commercial principles.” (Mitru, 1938)

At the time, the 1929 law was considered a “major step forward” (Report on the Development of Public Commercial Enterprises and Mixed Enterprises, 1929). On one hand, it was based on thorough statistical and documentary research, conducted during a time when both experience and doctrine in administrative and economic matters had greatly expanded the available knowledge, especially regarding foreign legislation and practices. On the other hand, it was recognized as: “the first law to establish a general framework for all systems of exploiting public assets and services with a commercial character.” (Bolțuș, 1933)

In line with this vision, the 1929 law stipulated that all enterprises, institutions, exploitations, and public establishments that did not have purely administrative functions, as well as all assets and rights belonging to the public or private domain of the State, would be organized and administered through one or more of the following systems: *lease or rental, concession, public commercial*

administration, mixed administration, cooperative administration, or a combination of two or more of these systems (Boțuș, 1933).

For each case, a Decision of the Council of Ministers was to be issued, based on the proposal of the relevant ministry and with the advice of the Higher Council for the Administration of Public Enterprises and Assets (which replaced the one from 1924 in name only, as its functions remained almost identical).

Exempted from the general rule were the Romanian Railways (C.F.R.), the Posts, Telephones and Telegraphs Administration (P.T.T.), the State Monopolies Administration, and the Military Establishments, which were required to be “administered and operated under the form of public commercial administration, in accordance with the present law and with their specific organizing laws” (Monitorul Oficial, 1929).

To regulate the capitalization of certain assets such as mines, industrial enterprises, forests, fisheries, and energy generators, it was established that their exploitation would follow both the provisions of the present law and the technical conditions prescribed by other special laws – e.g., the Mining Law, the Energy Law, etc.

The National Peasant Party’s law of 1929 set out the general regulatory framework for all forms of exploitation of assets and services with a commercial character. Leasehold (arendă) was considered suitable for the capitalization of “small assets or even for larger enterprises during a transitional period until concession or mixed administration could be adopted” (Monitorul Oficial, 1929). Leases required compliance with the provisions of the Public Accounting Law (including public auction and terms of reference) and the approval of the Higher Council, with a standard duration of 5 years, extendable exceptionally to 10 years (Law on the Commercial Organization of Public Enterprises and Assets, 1929).

Concessions could only be granted on the basis of an economic and financial plan regarding the duration and modalities of exploitation of the public asset, drawn up by the relevant departments and approved by the Higher Council. Additionally, the concession was required to ensure the competent authority a fixed annual income at least equal to the average net income generated by direct public operation over the previous five years. In order to obtain the most advantageous conditions, concessions were required to be granted through public auction. Finally, the terms of reference and the concession contract had to clearly define the obligations of the concessionaire (Law on the Commercial Organization of Public Enterprises and Assets, 1929).

The public administration system (regia publică) was to follow commercial principles and the model of joint-stock companies – through boards of directors, executive committees, auditors, or supervisory commissions (Law on the Commercial Organization of Public Enterprises and Assets, 1929). This structure aimed to eliminate the shortcomings and difficulties of rigid and formalistic management typical of traditional administrative regimes”.

By separating purely commercial and economic functions from administrative ones, the law stipulated that enterprises operated under public administration (*regie*) were required to cover all expenses through income generated by their activity. This included the payment of interest, amortization of invested capital and credits, and a prohibition on the State, counties, or communes from imposing the execution of works or services unless they covered the cost price plus overhead expenses, to ensure that no deficits would occur in the Exploitation Fund (Law on the Commercial Organization of Public Enterprises and Assets, 1929).

It is important to note that, in cases of higher State interest, considering the economic-social or other roles of certain public enterprises, the government could decide exceptions to this principle, allowing the continuation of operations even when they were not profitable. In such cases, the Council of Ministers would also determine the compensation mechanism to be granted to the respective public commercial enterprise for the expenses incurred or losses suffered due to works or services carried out in the direct interest of the State.

Regarding public administration, it should also be noted that the budgets of these institutions were separate and formed an Annex to the general State budget, where surpluses, deficits, and any granted subsidies were clearly recorded.

Similar to the 1924 law, the 1929 law also promoted the broad participation of private capital in the operation of State enterprises, within the framework of mixed administration (Law on the Commercial Organization of Public Enterprises and Assets, 1929). To this end, it upheld the 1924 principle whereby such mixed administrations would operate as joint-stock companies.

The advantages granted to private capital were balanced by provisions in both laws that safeguarded the interests of public communities, namely:

1. The right of veto held by the Government Commissioner – appointed to each mixed company – on any decision of the Board of Directors that violated the Statutes or the higher interests of the State;
2. The majority representation of the public community in the auditors' committee, through which effective oversight of mixed enterprises' management was exercised. The auditors were required to follow instructions from the Ministry of Finance, or from mayors and prefects in the case of communes and counties, as well as directives issued by the Higher Council for the Administration of Public Enterprises and Assets;
3. Major decisions – such as the early dissolution of the company, reduction, reconstruction, or increase of share capital, change in the company's purpose, mergers, or amendments to the Statutes – could only be made with Government approval and after receiving the opinion of the Higher Council for the Administration of Public Enterprises and Assets.

By applying the “open-door” policy from the economic program of the National Peasant Party (P.N.Ț.), which welcomed foreign capital to help capitalize on the country's resources, the 1929

legislator eliminated all measures that could hinder foreign investment in the exploitation of Romania's public assets. The 1924 provision that limited foreign capital participation to no more than 40% relative to national capital was repealed; shares no longer had to be registered (nominal), and requirements regarding the nationality of company administrators were eliminated, shifting instead to the ordinary commercial legal framework.

However, the global economic crisis and the regulations on foreign exchange limited the realization of the much-anticipated foreign capital participation in the operation of mixed-regime enterprises.

Another model for leveraging public assets was the cooperative administration system (*regia cooperativă*), which included three forms:

1. Public bodies partnering with cooperatives of any type, contributing social capital and granting concessions of public assets or rights to the association;
2. Public bodies partnering with cooperatives without granting any concession;
3. Multiple public entities associating with one another, based on cooperative principles (Monitorul Oficial).

The National Peasant Party ideologically endorsed this form of public asset valorization as consistent with their economic vision.

While the 1924 and 1929 laws introduced a comprehensive framework for the management of public patrimony, the new law adopted in 1934 (Law on Autonomous Administrations, 1934) no longer had a general character, but instead focused on the reorganization of public commercial (autonomous) administrations.

In the Explanatory Memorandum of this new legislation, the idea was reinforced that the financial, economic, and administrative autonomy regime introduced in 1929, combined with a lack of oversight, had led to unwanted consequences, such as:

- Jeopardizing the budgetary unity of State revenues and expenditures, “at a time when even the most basic prudence demanded a closely monitored and unified budgetary command structure”;
- Encouraging excessive spending, during a period when “general indicators of financial and economic evolution, including falling prices, rising purchasing power of the national currency, and weakening of the population's tax capacity, all called for a clearly frugal economic policy”;
- Overburdening the bureaucratic apparatus, “causing unjustified and damaging expenses due to personnel and maintenance costs.”

The conclusion became evident: “The impossibility of harmonizing the economic interests of the various institutions hindered the synchronization of their activities, as would have been required by a wise policy of unified general interest.”

As a result, the 1934 legislator proposed a reform of the Statutes of public commercial administrations, dividing them into three categories:

1. Autonomous entities – such as the Autonomous Administration of C.F.R. and the Autonomous House of Monopolies;
2. Simple commercial services within their respective ministries – such as the Administration of Royalties and Mining Taxes and the Administration of Agricultural and Livestock Exploitations;
3. All other autonomous administrations and houses – such as PARID, CAPS, PCA, and RIMMA, which were transformed into commercial departments integrated into the administrative structure of their respective ministries.

4. CENTRALIZATION AND ECONOMIC ASSESSMENT IN THE 1930S

Boards of directors were replaced with smaller executive committees, and measures were introduced to significantly reduce expenditures. At the same time, oversight by the Ministry of Finance was strengthened, as the Ministry participated through a special delegate in the drafting of the budget and financial statements, in the determination and distribution of profits, and in monitoring the execution of the budget.

These reforms aimed to ensure the unity of revenues and expenditures, to allow for effective oversight by the respective ministry, to simplify the administrative apparatus, and to align economic activity with the general interests of the national economy (Law on Autonomous Administrations, 1934).

No comprehensive studies had been conducted on the valuation of the State’s economic assets up until the end of the 1930s. The public authority had not assessed the future potential of its own wealth, which could have helped fill the gaps created by financial hardship or met immediate needs requiring extraordinary revenues (Law on Autonomous Administrations, 1934).

The stabilization loan of 1929 and the development loan of 1931 – both guaranteed by all gross revenues of the Autonomous House of Monopolies (CAM) and by the State with its entire patrimony – along with the onset of the global economic crisis, whose effects were acutely felt in Romania, and the adoption and implementation of legislation on the commercialization and control of State-owned enterprises, all made it imperative to compile an inventory of the State’s economic assets, specifically the fixed funds available at the end of 1929.

Until the financial year April 1, 1935 – March 31, 1936, only a very small number of State enterprises had published their financial statements; after that date, it became common practice to account for both assets and their sources of formation.

According to data published in 1929, fixed assets and concessions – that is, fixed funds, which in this type of enterprise represented the most important part of total assets – amounted to 147.522 billion lei (Law on Autonomous Administrations, 1934). This was a minimum estimate, as a number of enterprises had not prepared or published inventories.

When comparing this figure with the total fixed funds of joint-stock companies in Romania's economy as of December 31, 1929 – 55.772 billion lei (Report on the Development of Public Commercial and Mixed Administrations, 1929) – we find that State-owned enterprises far exceeded the joint-stock companies in terms of immobilizations and concessions.

If we exclude the value of CAM's regalian rights, estimated at 50.155 billion lei, the actual fixed assets of State-owned enterprises amounted to 97.167 billion lei, which was 74% higher than the total fixed assets of all joint-stock companies in the national economy.

These figures confirm the significant role played by the State sector in Romania's interwar economic structure and explain the appeal of neoliberal doctrines that advocated for an expanded role of the State in economic life.

Private-property-based economic agents did not and could not ignore the contribution of State enterprises to the development of the country's productive forces.

In terms of priority ranking within the State's economic domain, transport and communications enterprises were clearly in first place, accounting for 45% of the total fixed assets and concessions of State enterprises as of 1929. In second place was CAM (Autonomous House of Monopolies), with over 37% of the total. In third position were enterprises capitalizing on agricultural and forestry assets, accounting for 14.6% of the fixed means. (Enterprises in other sectors held smaller shares.)

According to balance sheets closed on March 31, 1940, the productive funds and working capital of the State's profit-generating institutions amounted to 253.353 billion lei (Explanatory Memorandum to the General State Budget for the Financial Year 1941/1942, 1941).

This amount highlights the State's position as a major economic agent, owning 15% more than the total assets of joint-stock companies, which stood at 219.782 billion lei as of December 31, 1939 (Statistics on Joint-Stock Companies in Romania for 1940, 1940).

When comparing the asset structure of State enterprises with that of joint-stock companies, it was found that immobilizations and concessions represented 83.7% (122.104 billion lei) of State-owned enterprises' assets, while circulating assets accounted for 16.3% (41.249 billion lei). In

contrast, for joint-stock companies, the proportions were 41% (190.115 billion lei) and 59% (129.677 billion lei) respectively.

The data reveal that the fixed assets of State enterprises were more than 4.3 times greater than those of joint-stock companies, while circulating assets, means of circulation, and working capital were 20%, 75%, and 68% lower, respectively (Statistics on Joint-Stock Companies in Romania for 1940, 1940).

Compared to the situation at the end of 1929, by March 1940, the fixed assets and concessions of State enterprises had grown significantly – from 147.522 billion lei to 212.104 billion lei, marking a 44% increase over ten years.

These figures highlight the fact that, in the interwar period, a strong State sector operated and developed within the national economy. Several factors contributed to the expansion of public assets and the rapid rise of the State's profit-generating institutions: first and foremost, the process was driven by the neoliberal economic policy and the country's industrialization. Additionally, there emerged a growing need for increased revenues, in line with the advancement of society. These revenues were obtained both through taxation and through the capitalization of public wealth. At the same time, the State intervened in sectors that were not attractive to private capital, due to low profit margins. By correlating all the economic data, we may view as positive the Romanian State's orientation towards what Octav Onicescu called "an industrial mindset."

5. CONCLUSION

The evolution of Romania's state enterprise system between 1924 and 1940 reflects a complex interplay between legal design, political ideology, economic necessity, and administrative innovation. Beginning with the 1924 law, the Romanian State established a structured framework for managing its vast public patrimony, emphasizing profitability, national sovereignty, and institutional oversight. The implementation of restrictive measures on foreign capital and the preference for national investment mirrored the protective economic nationalism promoted by the National Liberal Party.

With the advent of the National Peasant Party and the 1929 legislative reform, a liberalizing shift occurred. The State not only reorganized its enterprises along commercial lines but also opened them to domestic and foreign private capital, aiming to modernize economic structures and mobilize underutilized assets. Despite this openness, real foreign investment remained limited due to global financial turbulence and regulatory constraints.

The 1934 reform marked a return to centralization, driven by concerns over financial discipline, budgetary coherence, and administrative efficiency. As the economic crisis deepened, the need for stronger state control reemerged, reinforcing the importance of public oversight and planning.

Quantitative data from the late 1930s and early 1940s confirms the growing economic weight of state-owned enterprises, particularly in strategic sectors such as transport, energy, and agriculture. The State's role as a direct economic actor was not only ideologically justified by contemporary doctrines of industrialization but also empirically validated by the scale of its investments and assets.

Ultimately, interwar Romania's approach to managing public assets offers valuable insight into how a semi-peripheral country sought to navigate modernization pressures by balancing liberalization and state intervention. The legal frameworks, institutional models, and economic outcomes analyzed in this study illustrate the enduring tension between the market and the public interest—a theme still highly relevant in contemporary public sector debates.

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**THE RESILIENCE OF URBAN AESTHETICS: A STRATEGY OF HOPE FOR
BISTRIȚA'S BUILT HERITAGE**

Good Practices, Public Policies and Sustainable Interventions in the Historic City Center

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ABSTRACT

Bistrița is currently in a rare strategic moment: a fragile balance between heritage conservation and the modernization of the historic center; between the pressure of real estate investments and the need to preserve local identity. This article proposes a positive and applicable vision on the management of the built heritage of the municipality, at a time when the city has the chance to become a regional model of good practice.

Through the historical analysis of interventions in the protected area, the identification of current dysfunctions and the reporting on international examples of effective public policies (Cluj-Napoca, Sibiu, Oradea, Bruges), the article outlines concrete directions for the creation of good practice guides applicable in Bistrița. These include: the rehabilitation of facades, the integration of businesses and terraces into the historic fabric, the reactivation of passages and the mineralization of the Central Square.

In a period when urban development is becoming increasingly accelerated, but fragmented, the municipality has the chance to manage its heritage not only through protection, but through a sustainable, circular and productive architectural strategy. This article is based on field observation, public policy documentation and the author's direct experience as an architect actively involved in the local urban regeneration process and aims to serve as a methodological preamble for a future doctoral research in the field of architecture.

KEYWORDS: *urban heritage, public policies, good practices, Bistrița, facade rehabilitation, sustainability, circularity, contemporary architecture, regeneration*

J.E.L. Classifications: *H0, N14, N94, Z13*

1. INTRODUCTION

In Romania, discussions about urban heritage often remain tense between two extremes: on one hand, the discourse of rigid conservation, seen as a moral and legal obligation; on the other, the impulse of aggressive modernization, often contemptuous of the context. A real space for dialogue between past and future, between identity and utility, rarely appears.

Sibiu, Romania



1974

2011

Sibiu before and after mineralization

Bistrița, with its well-preserved but unevenly exploited medieval historical center, offers today a rare opportunity: that of intervening with brains, with an aesthetic sense and with a long-term strategy. If Sibiu was the Romanian pioneer of urban revitalization in the 2000s, followed by Cluj of cultural projects and Oradea of firm aesthetic regulations, Bistrița is at the exact moment when it can learn from all these models and adapt them to its own context.



Cluj before and after mineralization

The modernization of the old center is not only inevitable — it is already underway. Fortunately, it did not go for a forced rehabilitation or a trivialization of public space. It is precisely this “active pause” in the evolution of the center that provides an ideal framework for implementing coherent public policies and professional intervention guides. Without these, the risk is the loss of visual coherence, the destruction of valuable details and the alienation of the community from its own historic center.



Oradea before and after mineralization

In contemporary urban design discourse, mineralization refers to the process by which open public spaces, particularly in historic or central urban areas, are transformed through the introduction of hardscape elements — such as stone, concrete and other non-vegetal surfaces. This

term captures more than just a shift in material palette; it reflects a deeper, strategic intervention in the urban fabric aimed at redefining the use, perception and resilience of public space.

The "heart of the city" — often the central square or main civic gathering place — has traditionally served as a multifunctional stage for social, economic and political life. However, over time, many of these spaces have become fragmented, underused, or degraded due to vehicular dominance, poor maintenance, or incoherent additions. Mineralization offers a way to reclaim these spaces by creating unified, durable and legible surfaces that invite pedestrian activity, support events and accommodate urban infrastructure more efficiently.

In the context of this article, mineralization is not synonymous with sterilization. Rather, it is presented as a calibrated design approach that balances the permanence of built surfaces with the flexibility of public life. It seeks to enhance spatial clarity, historical legibility and the material identity of the urban core while ensuring functionality and durability.

By “mineralizing the heart of the city,” we refer to the intentional act of reinforcing the civic and symbolic role of central public space through high-quality materials, thoughtful detailing and a reimagined choreography of urban uses — all within a framework that respects the site’s historical layers and socio-cultural significance.

Therefore, this article has three objectives:

1. To create a brief **historiography** of interventions on the heritage of Bistrița.
2. To identify current **problems** in the protected central area.
3. To **propose** a series of thematic **guides** of good practices, inspired by international examples and adapted to local specifics.

These steps are not just theoretical. They reflect a real need of the city and can represent an applicable basis for the development of a doctoral thesis that connects architecture with sustainable, participatory and identity-based urban policies.

2. HISTORIOGRAPHY OF INTERVENTIONS ON THE HERITAGE OF BISTRITĂ

2.1. The communist period (1947–1989): between systematization and indifference

During the communist regime, the historic center of Bistrița was largely spared from the massive demolitions that affected other cities (such as Bucharest or Alba Iulia). This was partly due to the city's recognized historical importance, but also to the fact that the central area had a

relatively stable urban functionality. However, the interventions during that period were limited to minimal, standardized repairs and in some cases to improper additions (plaster over stone details, inappropriate sheet metal roofs). The architectural intervention was essentially one of functionalization without valorization.

2.2. Post-1989 period: urban freedom and legislative confusion

Immediately after the Revolution, the real estate market and the lack of clear regulations led to a series of chaotic interventions in the old center: the location of bulky companies, spontaneous extensions, terraces built without authorization, the use of inappropriate materials (polycarbonate, white insulating windows, exterior tiles). This was the period in which authenticity was blurred under the wave of "modernizations" lacking stylistic coherence.

In the absence of an updated Zonal Urban Plan and intervention guides, the historic center was left to chance. Many of the valuable buildings were sold to owners lacking vision or financial means, which led to the gradual degradation of architectural details.

2.3. 2005–2015: European funding and the first coherent projects

With the access to the first European structural funds, Bistrița City Hall managed to initiate specific projects to rehabilitate the infrastructure in the central area: pavement restoration, public lighting, works on the sewage systems. In parallel, several public buildings (such as the County Library) benefited from repairs. However, interventions on the private built stock remained fragmented and without aesthetic guidance.

During this period, there was an increase in public interest in the city's historical values, but the lack of a coherent framework for intervention meant that efforts did not create a unified image.

2.4. 2015–2023: Civic participation, creative initiatives and strategic stagnation

Recent years have brought a series of innovative bottom-up projects, supported by civic organizations and initiative groups. The most notable example is the historic gates project, carried out through participatory budgeting and coordinated by the Petrus Italus Trust, with the support of the authorities. This project demonstrated that quality intervention can start from citizens and that

collaboration between architects, craftsmen and administration can produce results with visual and symbolic impact.

However, despite these positive signs, Bistrița still does not have an official set of good practice guides for the protected area. Interventions continue to be carried out ad hoc and the pressure of commercial and tourist developments risks transforming the historic center into a decorative space, emptied of authenticity.

2.5. 2024 – Present: the strategic moment we find ourselves in

The year 2024 marks a turning point for Bistrița. After two decades of fragmented interventions, alternating between administrative concern and bureaucratic indifference, the city has reached a window of opportunity. There is a rare balance between the pressure of development and the time needed to rethink the future of the historic center with care and professionalism. There has not been massive construction (yet), but there has not been a unitary qualitative intervention either. This is exactly where Bistrița's chance lies: not to repeat the mistakes of others and to learn from the successes of others.

More and more factors indicate that Bistrița is approaching a crisis of urban coherence if it does not make clear and responsible decisions regarding its heritage:

- Real estate investors are increasingly interested in the historic area;
- Terraces and businesses are starting to reappear, without a clear regulation;
- The central market is in a discussed process of mineralization, but still without a clearly communicated vision.

Therefore, **2024 must be treated as year zero** for an integrated strategy of good practice – not just as an aesthetic intention, but as an urban governance tool.

3. CURRENT PROBLEMS IDENTIFIED

In the absence of a clear framework for intervention, the historic center of Bistrița risks becoming a chaotic visual collage, lacking a unitary identity. Here are the main observable dysfunctions:

3.1. Lack of technical guides: facades, terraces, businesses

Currently, interventions on facades are made arbitrarily. PVC joinery replaces historic wood without control and repair works are often done with inappropriate materials (e.g. decorative plasters instead of lime mortars). Terraces appear seasonally, but with aggressive or improvised furniture. Commercial businesses are located with strident volumetric letters, ignoring the proportions of the buildings.

3.2. Inconsistent decisions in public space

Some buildings benefit from well-made aesthetic interventions, while others, next to each other, remain degraded or visually contaminated. The lack of a common regulation and a unitary architectural control leads to incoherence. Thus, public space loses the meaning of an "urban ensemble".

3.3. Lack of a sustainable and circular approach

Traditional materials (brick, wood, stone) are not encouraged and the reuse of original elements is rare. No local program supports sustainable restoration or training of traditional craftsmen. Interventions are only made to "repair", not to protect an architectural capital in the long term.

3.4. Degraded and underused passages

Passages that connect pedestrian streets to inner courtyards or other arteries (e.g. Sugaleti Ensemble) are left in disrepair. These spaces could become key places for cultural, commercial or educational activation, but the lack of a plan turns them into urban dead zones.

3.5. The central square as an unmineralized space/still uncertain in function

Although there are proposals for the redevelopment of the Central Square, the aesthetic, material and functional direction is not clear or assumed at the community level. If we go towards mineralization, we must also think about social, cultural and commercial functions. Otherwise, we will have a "beautiful" but empty market.

4. NATIONAL AND INTERNATIONAL EXAMPLES OF SUCCESSFUL PUBLIC POLICIES

To avoid improvisation and build a coherent model, Bistrița must learn from cities that have gone through similar challenges.

4.1. Sibiu – *Facade guide and aesthetic control*

The City Hall of Sibiu, in partnership with the Order of Architects, published a guide for the rehabilitation of facades that includes:

- color schemes compatible with the history of the building;
- details for carpentry and hardware;
- recommendations on architectural lighting.

The result? A center that has become a national landmark in visual coherence.

4.2. Cluj and Oradea – *Regulations for terraces and businesses*

Both cities have implemented local regulations that regulate:

- the size and location of businesses;
- urban furniture for terraces;
- the color palette allowed in the historic area.

Merchants receive models and support, not just prohibitions.

4.3. Alba Iulia – *Integrated heritage + branding strategy*

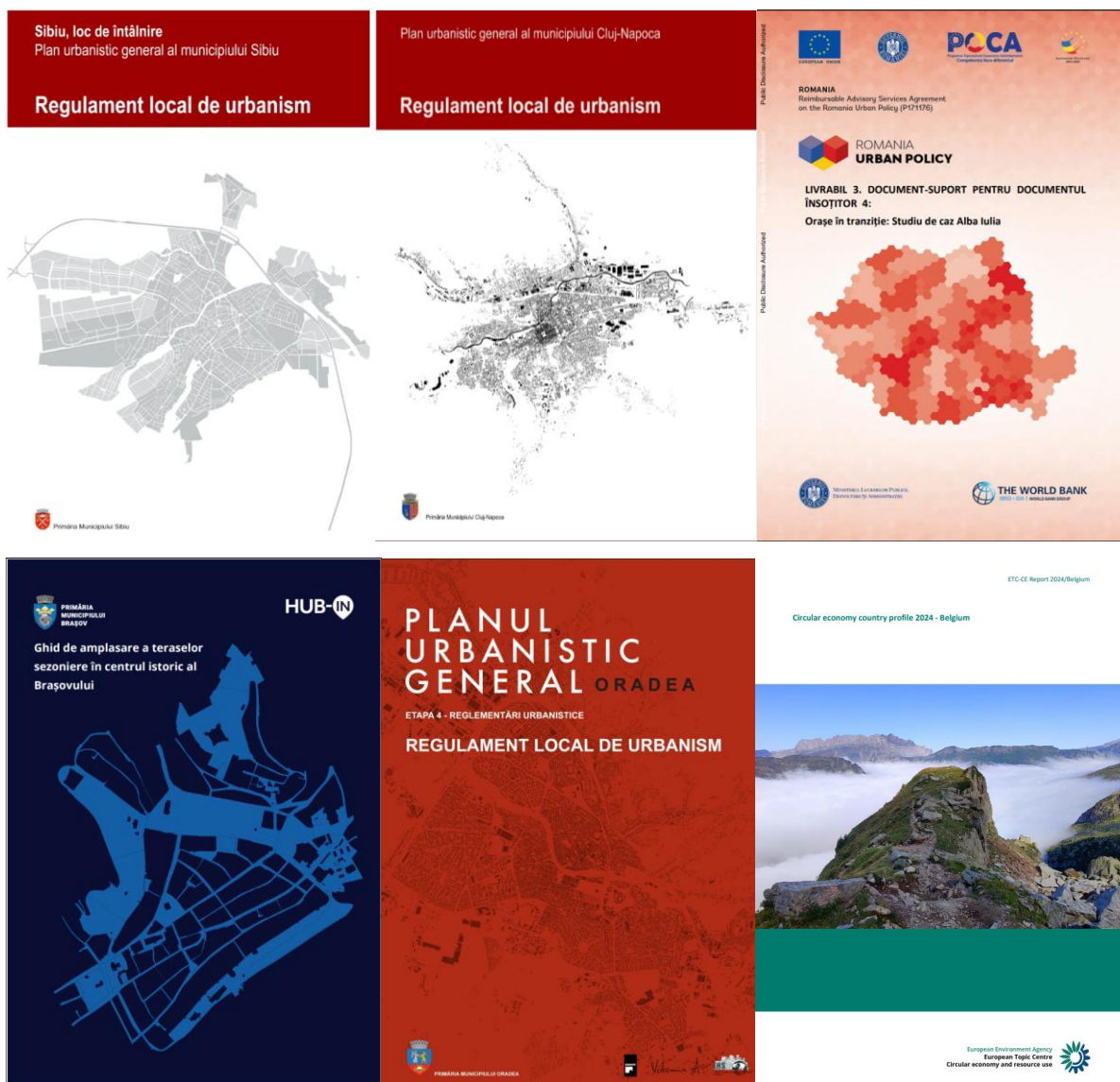
The “Alba Carolina” project transformed the fortress into a visited, but also lived space, with mixed functions: culture, commerce, education. The fortification was fully restored, but also reinterpreted through tourist routes, discreet urban furniture, ambient lighting and interactive markings. The branding of the city was built simultaneously with the restoration – resulting in a coherent identity that attracts tens of thousands of tourists annually. Alba Iulia thus managed to combine the military past with contemporary functions.

4.4. Brasov – *Guides for facades, businesses and public space*

Brasov published a series of thematic guides in 2022, including:

- Guide for the rehabilitation of facades in the historic center;
- Guide for the location of commercial businesses;
- Guide for urban furniture and seasonal terraces.

These were made available to citizens in online format, with clear illustrations and technical explanations. Moreover, the city hall conditioned urban planning approvals on compliance with these guidelines, which led to an elegant uniformity of the main streets.



4.5. *Bruges, Salzburg, Barcelona – Circular and educational interventions*

These cities combine clear regulations with citizen education. Brochures, online platforms and guided tours explain why it is important to preserve wooden joinery or choose an elegant company. In addition, they promote training programs for local craftsmen, essential in preserving heritage.

5. PROPOSALS FOR BISTRIȚA: NECESSARY GUIDES + CONCRETE STEPS

In order for Bistrița to make a qualitative leap in heritage management, a series of thematic guides is needed, professionally written, supported by the administration and made available to citizens, architects, traders and investors.

5.1. *Facade guide for the historic area*

- color palette based on stratigraphic analysis;
- recommendations for finishes (mineral plasters, silicate paints);
- technical solutions for carpentry, hardware and lighting;
- illustrated examples of good interventions and common mistakes.

5.2. *Guide for the location of commercial companies*

- dimensions and proportions in relation to the facade;
- allowed materials and fonts;
- examples of location in historical settings;
- clear prohibitions for aggressive elements (LEDs, banners).

5.3. *Guide for urban furniture and seasonal terraces*

- types of furniture allowed (wood, matt painted metal);
- solutions for paving, delimitation and shading;
- integration into public space without obstructing facades;
- rules for mobile vs. fixed furniture.

5.4. *Guide for the rehabilitation of passages + functional proposals*

- minimal cleaning and repair interventions;

- ambient lighting and contextual murals;
- proposals for functions: bookstores, galleries, tourist information points;
- activation through periodic events.

5.5. *Guide for the redevelopment of the Central Square*

- paving options with natural materials (cubic stone, local limestone);
- integration of existing trees;
- functional scenarios: farmers market, shows, book fairs;
- solutions for permanent furniture + seasonal installations.

6. GUIDING PRINCIPLES: SUSTAINABILITY, CIRCULARITY, LOCAL IDENTITY

If Bistrița's heritage is treated only as a technical problem or as a bureaucratic burden, then we lose its essence: it is a cultural and economic capital, but also a renewable resource, if approached with clear principles.

6.1. *Sustainability does not mean spending less, but thinking long-term*

Sustainability in heritage rehabilitation does not only refer to energy efficiency. In the case of Bistrița, it must be:

- functional: buildings should be constantly used, not just "restored" and abandoned;
- social: spaces should remain accessible to the community and not be excluded from market prices;
- material: interventions should use techniques and resources compatible with the structure of old buildings.

A good practice guide that encourages the use of natural plasters, wooden joinery and energy-efficient lighting can become a tool for architectural sustainability, not just conservation.

6.2. *Circularity in heritage: from material reuse to functional cycle*

In many cities in Europe, the circulation of building materials (reused bricks, recovered doors, refurbished wooden elements) is part of the logic of rehabilitation.

For Bistrița, circularity can mean:

- creating a center for the recovery of traditional materials from partial demolitions or interventions;
- supporting local carpentry and restoration workshops that can work on order for projects in the historic center;
- stimulating the short circuit: architect - craftsman - beneficiary - administration.

But circularity is also functional: a building does not have to have a single purpose, but can host different types of activities depending on the needs of the community. A space used during the day as a place for cultural education can become a screening room or workshop in the evening.

6.3. Local identity: not a museum heritage, but a heritage to live

Bistrița has the advantage of a coherent built heritage, which has not been devastated by chaotic development or massive demolitions. That is why it is essential that this identity be made aware of, assumed and updated.

This means:

- promoting a contemporary local aesthetic that respects the spirit of the place, without slavishly copying the past;
- encouraging cultural and educational projects that involve heritage (e.g. open-air drawing workshops, historical guides, community exhibitions);
- developing a unitary visual language in public space – through signs, urban furniture, displays.

Identity is not preserved in formaldehyde. It is actively built, through coherent gestures and continuous involvement.

7. THE ROLE OF THE ARCHITECT AS A MEDIATOR BETWEEN THE PAST AND THE FUTURE

In the context of urban heritage, the architect is not just a technician or an executor of rules. He is, or should be, a mediator between the memory of the place and current needs, between legislation and creativity, between administration and community.

7.1. *The architect – actor of urban policies*

In Bistrița, recent experiences (such as the historical gates project carried out through participatory budgeting) show that architects can have an active civic role, becoming credible voices in public consultation and in the development of guides, not only in the design itself.

The author of this article – architect, teacher, trainer and consultant within the County Directorate for Culture – assumes a clear position: the future of Bistrița's heritage cannot be built without the contribution of local architects. Not through imported theoretical expertise, but through direct involvement and knowledge of the context.

7.2. *The architect – translator between professional and community languages*

A good guide to facades or terraces is not a collection of prohibitions. It is a dialogue document, which must explain and convince. The architect is the one who can build these bridges between the demands of the heritage and the aspirations of the traders, between the technical norms and the values of the inhabitants.

Through urban workshops, public consultations or educational initiatives, the architect becomes a facilitator of urban processes, not just a provider of solutions.

7.3. *The architect – guarantor of visual and functional coherence*

In a world of rapid interventions and instant “solutions”, the architect is the one who must advocate for quality, proportion, detail. Even in a modest project – a company, a pergola, a sidewalk – the architectural vision can make the difference between the banal and the memorable.

8. CONCLUSIONS

Bistrița does not just need a list of rules. It needs a strategy of hope, a positive model through which heritage becomes a living part of the city, not just decoration or a problem.

8.1. *From symbolic protection to functional activation*

Beautiful facades are important. But equally important are the spaces behind them: how they are used, who lives in them, what energy they generate. Protecting heritage should not mean freezing it, but its intelligent integration into everyday life.

8.2. *From ad-hoc decisions to coherent public policies*

If we want a coherent center, we need:

- clear, illustrated and accessible guides;
- administrative responsibility;
- collaboration with the Order of Architects, DJC, the academic environment;
- citizen involvement through participatory budgeting and real consultations.

8.3. *From isolation to regional example*

Bistrița can become a benchmark for other cities in Romania, if it structures its efforts around clear principles: sustainability, circularity, local identity.

A local model of good practices, applied professionally, transparently and collaboratively, can generate a wave of positive interventions and can also contribute to the economic and tourist development of the city.

8.4. *From article to doctoral thesis – a research path*

This article is not just an analytical exercise. It is a methodological basis for a doctoral research in architecture, focused on:

- historical and morphological documentation of urban heritage;
- comparative analysis of local policies in Romania and Europe;
- proposal of a replicable system of guides and strategies for medium-sized cities.

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FROM STRATEGY TO COURT: A SCALABLE BUSINESS MODEL FOR A MULTIDISCIPLINARY SPORTS FACILITY

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ABSTRACT

This article explores a scalable business model for a multidisciplinary sports facility designed to integrate education, community engagement and recreational sport in the context of growing physical inactivity among youth. Through a combination of theoretical analysis, case studies from the United States (Chicken N Pickle and Smash Park) and a pilot implementation scenario for Bistrița, Romania, this paper outlines a replicable and financially sustainable framework. Key aspects include stakeholder collaboration, modular infrastructure, digital integration and strategic marketing. The proposal demonstrates that investing in such facilities is not only economically viable but also a strategic move for the community well-being and social innovation.

KEYWORDS *scalable business, sports entrepreneurship, urban sociology, modular infrastructure, hybrid facilities, pickleball, community hub, afterschool, Bistrița, Romania*

JEL CLASSIFICATION: L83, M13, R58, O18, Z13, L26

1. INTRODUCTION

The rise of sedentary lifestyles among youth is not only a health crisis but a social and economic challenge. Across Europe and globally, governments and communities are grappling with increasing rates of obesity, anxiety, depression and reduced attention spans among children and teenagers. Romania is no exception—school programs are overextended, families are busier and access to structured physical activity outside of elite sports is limited. As digital entertainment becomes more pervasive, opportunities for real-life movement, interaction and holistic development continue to shrink.

The traditional school system, even when performing well academically, often fails to address the physical and social development needs of students. On the other hand, commercial gyms and sports clubs are either prohibitively expensive or focused exclusively on performance, not inclusion. In this vacuum, the potential for a new kind of hybrid space emerges—one that combines physical activity with education, social interaction and community building.

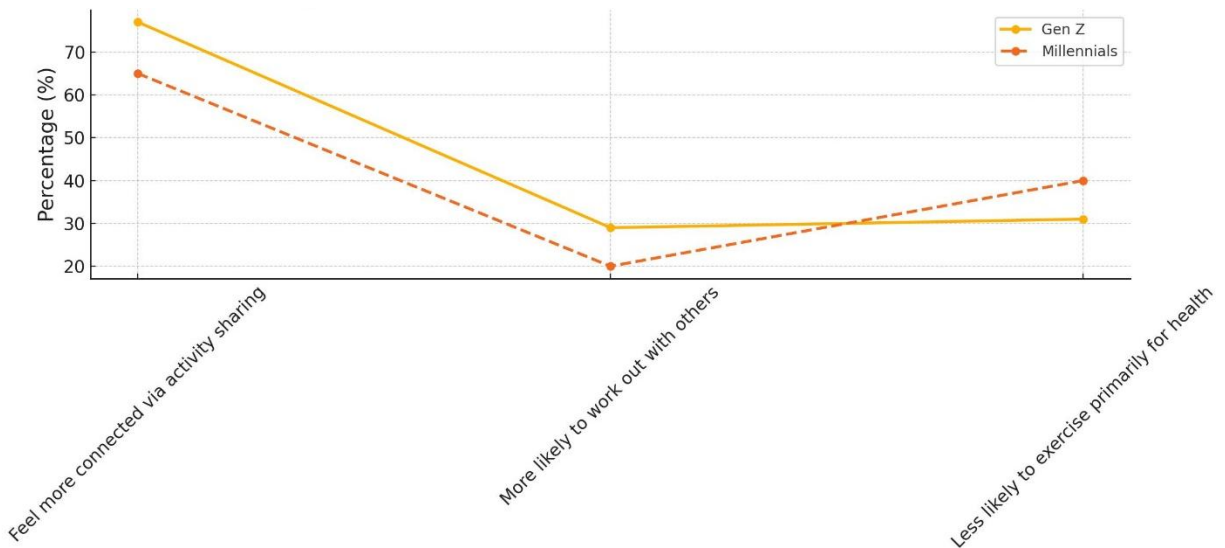
This article explores such a model: a multidisciplinary sports facility that is scalable, adaptable and deeply rooted in the needs of contemporary urban life. The model integrates insights from two highly successful concepts in the United States—Chicken N Pickle and Smash Park—and proposes a pilot implementation in a medium size city from Romania called Bistrița, as a replicable proof of concept. The analysis will cover the management structure, revenue streams, sustainability strategy and community impact of such a venture.

2. THEORETICAL FRAMEWORK

The conceptual foundation for this project is built on three interconnected disciplines: **urban sociology, sports entrepreneurship and community-based education.**

Firstly, from an urban sociology perspective, the facility falls within the concept of the “third place” as defined by Ray Oldenburg—neutral spaces outside of home and work that foster informal public life. These environments play a critical role in strengthening community ties, creating social capital and encouraging intergenerational interaction. In post-communist urban landscapes like Bistrița, where many neighborhoods lack identity or activation, third places are increasingly necessary for social cohesion.

Secondly, from a sports entrepreneurship point of view, the model is aligned with the “sportainment” movement—a convergence of sport, leisure and entertainment into a single, flexible experience. Globally, this model has proven effective in attracting diverse age groups, especially millennials and Gen Z, who value experience over pure competition. By providing non-intimidating, social forms of physical activity—such as pickleball, mini skate parks and interactive games-the model invites inclusion rather than performance.



Social exercising preferences for millennials and Gen Z

Finally, from the perspective of education and human development, the facility acts as an **afterschool catalyst**—a structured environment where children can engage in meaningful learning outside of formal education. Numerous studies confirm the link between physical activity and cognitive development, emotional regulation and social skills. By embedding educational programming within a recreational environment, the model offers not only value for youth but peace of mind for working families.

This integrated framework offers a compelling case for why such facilities are more than a luxury—they are a strategic tool for sustainable urban growth and resilient communities.

3. METHODOLOGY

The methodology of this paper is built on a **mixed qualitative design**, with a strong emphasis on **comparative case studies** and **local context adaptation**. The following components have been used to structure the analysis:

- **Case study research:** In-depth exploration of Chicken N Pickle and Smash Park, based on available financial data, business models, interviews and media coverage.
- **Literature review:** Academic sources in sports management, youth development, public-private partnerships and urban regeneration were reviewed to contextualize the proposed model.

- **Stakeholder interviews:** Informal interviews with teachers, architects, urban planners and local business owners in Bistrița helped tailor the proposal to actual community needs.
- **Pilot site analysis:** A 2,000 sqm plot in the IPROEB area of Bistrița was selected for conceptual modeling, based on access, zoning and redevelopment potential.
- **Cost and revenue projection modeling:** Preliminary budgets and income scenarios were developed using benchmarks from similar facilities and adjusted for Romanian labor and construction costs.

The overall methodological aim is not to deliver a fixed blueprint but to outline a dynamic, replicable model that adapts to scale, geography and funding context.

4. CASE STUDIES

Chicken N Pickle (USA)

Founded in 2016, Chicken N Pickle is a hybrid facility combining indoor and outdoor pickleball courts, yard games, event spaces and a restaurant built around a rotisserie concept. It positions itself as a community hub offering family-friendly activities, league play, school partnerships and charitable events. With over 10 active locations and more planned, the company has raised over \$10 million in private investment and reports annual revenues exceeding \$120 million.

The success of Chicken N Pickle lies in its ability to blend structured physical activity with casual social interaction, turning what could be “just another sports center” into a lifestyle destination. Events like community cookouts, themed tournaments and intergenerational games contribute to its inclusive identity.



Chicken N Pickle aerial view

Smash Park (USA)

Smash Park was launched with a slightly different demographic in mind—young professionals and corporate teams. It includes pickleball, axe throwing, arcade games, karaoke rooms and a full-service bar with food. Their business model emphasizes flexibility: one space can host a team-building event in the morning, a school field trip in the afternoon and a singles' league in the evening. Though smaller in footprint than Chicken N Pickle, Smash Park's profitability hinges on high event turnover, dynamic programming and a focus on “play and party” culture.

Both case studies reveal that combining sports, socialization and food in a modular and responsive framework creates a magnet for diverse audiences. They serve as proof that such a model can be financially sustainable while maintaining deep community relevance—exactly the blend sought for the Bistrița pilot.



Smash Park Roseville pickleball court

5. LOCAL SITE ANALYSIS: BISTRIȚA

The city of Bistrița, situated in northern Romania, is a medium-sized urban center with a population of approximately 75,000 residents. Like many post-industrial Romanian cities, Bistrița contains underutilized infrastructure and large tracts of land formerly allocated to manufacturing or logistics. One such area is the **I PROEB zone**, a former industrial site located within accessible distance from residential neighborhoods, schools and public transport. The plot proposed for the pilot facility is approximately **2,000 square meters** in size.

The location offers several strategic advantages:

- **Zoning flexibility** - suitable for both commercial and educational use.
- **Good connectivity** - with multiple public transport lines and pedestrian access.
- **Proximity to target groups** - including schools, universities and residential zones.

- **Low acquisition and development cost** due to the post-industrial status.

The site's dimensions allow for a compact, modular development integrating both **indoor and outdoor functions**. By adopting a container or steel-frame construction system, the facility can be completed within 9–12 months. The programming of the site is based on dual-purpose spaces. For instance, the indoor pickleball courts can serve as event venues and the educational room can transform into a digital lab or community meeting space during evenings and weekends.

The inclusion of outdoor green areas and seating, a small skate park section and an open terrace enhances the attractiveness of the space beyond its core sports offer. More importantly, the site would operate year-round, offering heated indoor areas in the winter and shaded terraces in the summer.



Images from personal research on the container and steel-frame structure

6. FINANCIAL PLANNING

For the Bistrița pilot project, a **conservative investment estimate** has been developed, focusing on sustainability and phase-based deployment. The total development cost is expected to be around **1.87 million RON** (~372,000 EUR), making it an attractive proposition for private or public-private investment.

Estimated Investment Breakdown

Category	Cost (RON)	Cost (EUR)
Modular Sports Hall	850,000	~170,000
Interior Finishing	250,000	~50,000

Skate Park Installation	100,000	~20,000
Bistro Kitchen & Setup	180,000	~36,000
Education & Workshop Room	120,000	~24,000
Landscaping & Terrace	90,000	~18,000
Solar Energy System	140,000	~28,000
Permits & Design	60,000	~12,000
Total	1,870,000	~372,000

Revenue Streams

- **Subscriptions and memberships** (kids, families, corporate)
- **Event hosting** (birthday parties, tournaments, workshops)
- **Afterschool program tuition**
- **Food & beverage sales**
- **Retail of sports and educational equipment**
- **Corporate partnerships and CSR sponsorships**
- **Public grants and EU funding (PNRR, Erasmus+)**

A detailed **break-even analysis** suggests that the project can become self-sustaining within the first **24–30 months** of operation, assuming a baseline enrollment of 100 active monthly users and two corporate sponsors.

7. MANAGEMENT STRATEGY

The proposed management structure is lean but strategic, designed to scale as the facility grows. The organization will function with a **hybrid logic**—a mix between a startup and a community organization—with strong emphasis on transparency, flexibility and collaboration.

Proposed Roles

- **General Manager:** Oversees operations, finances, partnerships.
- **Sports & Events Coordinator:** Organizes programming, trainers and event scheduling.
- **Educational Coordinator:** Manages afterschool, workshops and school partnerships.
- **Marketing & Community Manager:** Runs social media, outreach, partnerships.

- **Bistro Supervisor:** Handles daily café operations and logistics.
- **Tech/CRM Officer:** Maintains booking system, analytics and loyalty platforms.
- **Support Staff:** Cleaning, maintenance, reception (rotational or part-time).

To ensure **long-term success**, the organization will follow a quarterly review system using KPIs such as:

- User growth and retention
- Revenue targets
- Program diversity
- Community satisfaction (surveys)
- Impact metrics (screen time reduction, participation rates)

Recruitment will prioritize young professionals from the local area, combining backgrounds in education, sports, hospitality and digital communication.

8. COMMUNITY ENGAGEMENT AND MARKETING

Marketing and engagement are central to this facility's success. Unlike traditional gyms or afterschool centers, this space must **feel like a community hub** from day one.

Marketing Phases

1. Pre-launch Awareness

- Social media storytelling campaign about the space being “made for the city”
- Street-level flyers and partnerships with local schools, cafés, libraries
- Pre-enrollment discounts and ambassador programs

2. Opening Launch

- Open house weekend with free classes, workshops and bistro tastings
- Local press coverage and partnerships with influencers from the region
- Founding Member membership package for early adopters

3. Sustained Digital Presence

- Weekly challenges, video stories, photo competitions
- Mobile app for bookings, loyalty points, feedback
- Integration of gamification (badges, team rankings)

Community Integration Tactics

- **Partner with schools** for curriculum-aligned afterschool hours
- **Co-design sessions** with parents, teens and teachers for programs
- **Local artist exhibits**, holiday events and charity tournaments
- **Monthly newsletters** with real community stories and success metrics

This approach positions the facility not just as a service provider, but as a **community builder**—a rare, needed identity in small and medium-sized Romanian cities.

9. IMPACT METRICS

Any community-based project must be measured not only by its profitability, but by its impact on the people it serves. The success of a multidisciplinary sports facility depends on its capacity to drive **behavioral change, increase access and create lasting social value**. To this end, a clear, data-informed framework for impact evaluation is essential from the first day of operation.

Key Impact Areas:

- **Physical Health Outcomes:** Tracking attendance in structured physical activities (pickleball, movement games, skateboarding) will help evaluate improvements in motor skills, cardiovascular health and reduction in sedentary behavior among children and adolescents. Baseline fitness assessments and voluntary follow-up check-ins can be designed with local schools and parents.
- **Educational Support:** Through afterschool programming, the facility aims to enhance concentration, discipline and academic performance. Success here can be measured by comparing school engagement before and after participation, as well as through teacher feedback and homework completion rates during supervised sessions.
- **Social Inclusion:** Offering subsidies or scholarships for children from disadvantaged backgrounds ensures equity in access. The number of vulnerable youth engaged in regular activities, the inclusion of neurodivergent participants and gender balance in sports teams are key inclusion metrics.
- **Community Engagement:** The number of local partnerships (schools, NGOs, clubs), community-led events hosted per year and volunteer hours contributed will reflect the project's depth of integration in the urban fabric.

- **Economic Contribution:** While profit is not the sole objective, the center's contribution to local employment (direct and indirect jobs), its collaboration with local vendors (food, cleaning, equipment) and its capacity to attract funding (grants, sponsorships) represent indicators of economic impact.
- **Digital Engagement:** Tracking mobile app usage, social media reach and participant feedback will reveal how engaged users are beyond the physical space.

Proposed Metrics Dashboard (Examples)

Indicator	Target (Year 1)	Target (Year 3)
Weekly youth participants	100	250
Afterschool program enrollment	50	120
Monthly event attendance	300	500
Female participation rate	>40%	>50%
Social media followers (FB/IG)	3,000	10,000
Corporate partnerships signed	2	6
Part-time/full-time staff	12	25
Community co-organized events	5/year	12/year

These indicators should be revisited quarterly and published in an annual impact report to increase transparency, attract funders and build long-term trust with the public.

10. REPLICATION AND SCALABILITY

The facility in Bistrița is envisioned as a **prototype**, not a standalone initiative. The model is designed from the outset with **scalability and adaptability** in mind. While the core functions (sports, education, community) remain consistent, the actual layout, programming and partnerships can be localized based on geography, population size and funding.

Scalability Principles:

- **Modular Architecture:** The use of prefabricated or modular construction enables fast replication, even in rural areas or temporary locations. This reduces initial investment and accelerates setup.

- **Franchise-Ready Operations Manual:** A detailed toolkit will be developed including: operational procedures, staffing templates, marketing packages, budgeting sheets, legal frameworks and monitoring tools.
- **Flexible Programming:** While Bistrița may prioritize afterschool support, another city might lean more into senior fitness, corporate wellness or tourism-based events.
- **Digital Integration:** The mobile booking system, CRM and loyalty platform are scalable at virtually no marginal cost, allowing seamless growth.

Target Cities for Replication (Romania):

- **Zalău** – similar demographics, underserved by leisure infrastructure
- **Mediaș** – proximity to Sibiu, but lacks dedicated family hubs
- **Satu Mare** – strong local industry could support CSR-based partnerships
- **Marghita** – a small city with growing interest in youth development and potential for cross-border collaboration in the north-west region

The long-term vision is to form a **national network of hybrid sports-education centers**, under a shared brand but managed locally with autonomy and accountability.

11. RISKS AND LIMITATIONS

While the model is solid in concept and grounded in data, it is not without challenges. Identifying these risks early allows for proactive strategies to minimize their impact.

11.1. Bureaucratic Resistance

Navigating local approvals, zoning and permits can be time-consuming. Public authorities may be skeptical of new typologies that do not fall clearly into “school,” “sports club,” or “entertainment venue.” Early stakeholder engagement, transparent planning and alignment with existing policy goals (e.g., National Recovery and Resilience Plan) will be crucial.

11.2. Staff Recruitment Challenges

In smaller cities, finding staff who are both qualified and flexible (i.e., capable of teaching, coordinating, marketing) may be difficult. A clear recruitment and training program, possibly tied to university partnerships, should be part of the initial launch plan.

11.3. Financial Instability in First 2 Years

Despite multiple revenue streams, the facility may not be fully self-sustaining immediately. A buffer fund or committed financing over 24 months is recommended to handle early-stage deficits.

11.4. Brand Confusion

Positioning the facility correctly—neither just a gym, nor just a school nor a restaurant—will require excellent branding, storytelling and educational outreach.

5. Oversaturation in Urban Markets

If the model expands too rapidly into already saturated urban areas (like Cluj-Napoca or Bucharest), competition may reduce its uniqueness. Careful market analysis is needed for every new location.

12. CONCLUSION

The world is changing—and so must our cities, our schools and the way we think about movement and connection. A multidisciplinary sports facility such as the one proposed in this article is not a vanity project or a private luxury. It is a **necessary evolution** of how communities can organize themselves for resilience, growth and well-being.

By combining physical activity, educational support and inclusive community programming in a single space, the model addresses urgent needs across public health, social equity and youth development. Inspired by proven international examples like Chicken N Pickle and Smash Park, but deeply adapted to the Romanian context, this proposal balances vision with feasibility.

Its scalability ensures that it can have national relevance, while its affordability and adaptability make it accessible for smaller municipalities as well. Through strategic partnerships, transparent impact measurement and strong community ownership, this facility can become not only a center of activity—but a **beacon of possibility**.

We are not simply building a business. We are building a culture. One where movement, learning and joy are no longer separate, but fused into a model for a better urban future.

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**STUDY ON THE MOTIVATION AND INVOLVEMENT OF HIGH SCHOOL STUDENTS
IN THE ACTIVITIES OF THE “DIFFERENT SCHOOL” PROGRAM**

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ABSTRACT

This study investigates the motivation and involvement of high school students in the activities carried out within the "Different School" program—an educational initiative aimed at promoting non-formal learning and students' personal development. The main objective of the research was to identify the factors that influence students' active participation, as well as their perceptions regarding the relevance and attractiveness of the proposed activities. Both quantitative and qualitative methods were used, including a questionnaire addressed to students from two high schools. The results indicate a variety of motivations, ranging from the desire to learn in a different way than the traditional approach, to interest in recreational or social activities. Students' involvement is significantly influenced by the degree of freedom in choosing activities, the quality of organization, and the relevance of the topics to their needs and interests. Additionally, it was found that the involvement of teachers and collaboration with various community actors contribute to the program's success. The general conclusion emphasizes the importance of tailoring activities to students' profiles and actively involving them in the planning process, in order to enhance the effectiveness and appeal of the "Different School" program.

KEYWORDS: *students, high school, the “Different School” program, involvement, motivation*

JEL CLASSIFICATION: I2, I21, I26, I28

1. INTRODUCTION

In the current educational context, there is an increasing emphasis on developing competencies that go beyond the boundaries of traditional curricula, aiming at the personal, social, and professional development of students. The "Different School" program, initiated by the Romanian Ministry of Education, emerged as a response to the need to diversify students' educational experiences by promoting non-formal activities that complement the traditional teaching-learning process. This initiative seeks to create a flexible framework in which learning takes various forms, adapted to the interests and needs of students, while also fostering creativity, teamwork, and civic spirit.

This paper aims to investigate the extent to which high school students are motivated and involved in the activities carried out within the "Different School" program, as well as the factors that determine their level of active participation. Student motivation is essential to the success of this initiative, and understanding it can contribute to improving how the program is designed and implemented. By combining quantitative and qualitative methods, the research aims to provide a realistic view of how students perceive these activities and to identify key elements that can enhance the program's attractiveness and effectiveness.

Within the "Different School" program, schools have the freedom to organize a wide range of non-formal educational activities aimed at supporting the personal, social, and professional development of students. The activities can be adapted to the students' age, interests, and community context. Below, we will present a few examples of activities suitable for high school that we have implemented as part of the "Different School" program:

Educational and cultural activities:

- Visits to museums, exhibitions, theaters, and philharmonics – Students can take part in guided tours at history, science, or art museums, where they discover exhibits relevant to general culture. Attending theater performances or live concerts can stimulate interest in art, music, and dramatic literature.

- Creative workshops (literature, painting, photography, theater) – These activities develop creativity and personal expression. Students can learn techniques in creative writing, drawing, digital photography, or acting, working individually or in teams to create projects that can be presented in school or within the community.

- Screenings of educational films followed by debates – Thematic screenings (historical, social, psychological) can be followed by guided discussions, during which students analyze messages, values, or moral dilemmas. This helps them develop critical thinking and argumentation skills.
- Meetings with writers, artists, journalists, or specialists from various fields – Inviting personalities from different domains offers students a realistic perspective on careers and an opportunity for dialogue on current or cultural topics.

Career guidance activities:

- Visits to companies, public institutions, or universities – Students can directly explore various work environments, observe processes and organizational structures, and interact with professionals. These visits can help clarify their career aspirations.

- Presentations by professionals from different fields – Specialists in IT, medicine, architecture, engineering, entrepreneurship, and more can be invited to school to speak about their career paths, the challenges of their profession, and the skills required.

- Mock job interviews – Students can participate in simulated interviews where they learn how to present themselves, what to avoid, how to express their strengths, and how to confidently defend their point of view in front of a potential employer, while also learning to manage their emotions.

- Workshops on writing a CV and cover letter – In interactive sessions, students can learn how to create essential documents for applying to jobs or scholarships, tailored to their individual profiles.

- Civic and Volunteer Activities - Students can actively participate in cleaning green spaces, sorting waste, or planting trees in urban or rural areas, contributing to environmental protection and care.

- Environmental cleanup or tree-planting campaigns – Students take an active role in cleaning green areas, selective waste collection, or tree planting in urban or rural zones, helping protect the environment while working as a team and socializing.

- Participation in NGO-led projects – Students can collaborate with organizations working in fields such as education, health, animal protection, and human rights, learning about civic responsibility and active engagement.

- Awareness campaigns on social issues (health, human rights, etc.) – Students can create posters, videos, or presentations on important topics such as violence prevention, drug use, mental health, bullying, and more.

Sports and recreational activities

- Sports competitions between classes or schools – Matches in football, basketball, handball, table tennis, badminton, or athletics can be organized. Such competitions encourage team spirit, discipline, and fair play.

- Hiking, themed excursions, or camps – Outdoor trips contribute to developing observation skills, physical endurance, and knowledge about geography, ecology, or local history. These can also include orienteering activities or outdoor games.

- Team games and team-building activities – Activities where students must collaborate, such as treasure hunts, logical team games, or trust exercises, help develop teamwork, communication, and leadership skills.

Personal development activities

- Workshops on communication, leadership, and emotional management – These interactive sessions help students better understand their emotions, clearly express their ideas, and take on leadership roles within groups.

- First aid courses – Organized in collaboration with medical personnel or Red Cross volunteers, students learn how to respond in emergencies (resuscitation, immobilization, bleeding control, etc.).

- Sessions on mental health and healthy lifestyle – Psychologists or counselors can conduct meetings about stress, anxiety, balancing school and personal life, balanced nutrition, and the importance of sleep.

Regardless of the type of activity, involving students in the selection and organization of activities is essential to ensure the program is relevant and appealing. The school can collaborate with parents, public institutions, local businesses, non-governmental organizations, and volunteers to diversify and improve the range of activities offered.

Many children want to engage in outdoor sports activities, and among the most commonly practiced sports are basketball, football (soccer), table tennis, and badminton. All of these sports contribute to the physical and mental well-being of children.

Badminton is an accessible sport that can be played both indoors and outdoors, making it suitable for all students regardless of their physical fitness level. Additionally, it promotes fair play,

concentration, and the development of specific motor skills that are useful for children's overall development.

Basketball is popular among high school students because it is a dynamic and fun sport that gives them the opportunity to move, collaborate as a team, and test their skills competitively.

From another perspective, table tennis is advantageous in schools because it develops students' coordination, reflexes, and concentration. It requires limited space and is accessible to all skill levels.

Football (soccer) is loved by students because it is dynamic, involves a lot of movement and adrenaline. It offers them the chance to work in teams, develop a competitive spirit, and cooperate with classmates. Moreover, it is easy to play and provides a lot of fun, regardless of skill level.

2. MATERIALS AND METHODS

This study involved 158 eleventh-grade students: 104 from the "George Coșbuc" National College and 54 from the Greek-Catholic "Inochentie Micu" High School in Cluj-Napoca, of whom 82 were girls and 76 boys.

The purpose of this paper is to analyze and understand how students perceive, relate to, and participate in the non-formal educational activities conducted within this program, as well as to identify the factors that influence their motivation and level of involvement.

The working hypothesis for this study is that "high school students demonstrate a higher level of motivation and involvement in the activities within the 'Școala Altfel' program when they have the opportunity to contribute to the selection of activities, and when these activities are perceived as relevant to their interests and needs for personal and professional development."

The research methods used were: a review of specialized literature, questionnaire-based method, and statistical-mathematical method.

Description of the Questionnaire

Questionnaire – Motivation and Involvement of Students in the "Different school" Program

Date generale (optional):

- Class: _____
- Sex: M / F
- Highschool: _____

I. Participation and Involvement

1. Did you participate in the activities organized within the “Different school” program during the last school year?

☐ Yes
☐ Partially
☐ No
2. How involved did you feel in the activities you participated in?
☐ Very involved
☐ Fairly involved
☐ Slightly involved
☐ Not at all involvedă
3. Which types of activities within the program did you find most interesting? (You can select more than one)
☐ Cultural (visits to museums, theater, etc.)
☐ Sports
☐ Creative workshops (art, theater, photography, etc.)
☐ Professional workshops (career guidance, company visits)
☐ Volunteer activities
☐ Others: _____
4. Did you have the opportunity to express your opinion regarding the choice of activities?

☐ Yes
☐ No
☐ I don't know

II. Participation motivation

5. What motivates you the most to participate in the “Different school” activities? (check up to 2 options)

☐ The fact that they are different from regular classes
☐ Interest in certain topics
☐ The activities are fun
☐ Participation of friends

- ☐ The opportunity to learn useful things for the future
- ☐ I am not motivated to participate

6. Do you think the activities in “Different school” are useful for your personal development?
- ☐ Yes, very useful
 - ☐ Partially useful
 - ☐ Not very useful
 - ☐ Not useful at all
7. Did you participate in activities outside the school during “Different school”?
- ☐ Yes
 - ☐ No
 - ☐ I don't remember
8. Which of the following forms of learning appeal to you more?
- ☐ Traditional classroom learning
 - ☐ Experiential learning (visits, hands-on practice, projects)
 - ☐ Both equally

III. Program evaluation

9. How do you rate the overall organization of the program at your high school?
- ☐ Very well organized
 - ☐ Well organized
 - ☐ Poorly organized
 - ☐ I don't know / I haven't noticed
10. Would you like the “Different school” program to be extended or changed?
- ☐ Yes, I would like it to last longer
 - ☐ Yes, but with different types of activities
 - ☐ No, it is fine as it is
 - ☐ I am not interested

IV. Personal reflection

11. Did you feel that the activities in “Different school” had an impact on how you see school or learning?
- ☐ Yes, in a positive way
 - ☐ There was no difference
 - ☐ No, I found them useless
12. Would you like to be more actively involved in organizing future activities?
- ☐ Yes

- ☐ No
☐ Maybe

Results and discussion

The table below presents the students' responses to the questionnaire shown above.

Table no. 1 – Students' responses to the questionnaire questions

Nr. crt.	Intrebare	Raspunsuri	
1.	Did you participate in the activities organized within the “Different school” program during the last school year?	Yes Partially No	130 20 8
2.	How involved did you feel in the activities you participated in?	Very involved Fairly involved Slightly involved Not at all involved	52 47 22 37
3.	Which types of activities within the program did you find most interesting? (You can select more than one)	Cultural (visits to museums, theater, etc.) Sports Creative workshops (art, theater, photography, etc.) Professional workshops (career guidance, company visits) Volunteer activities Others:	73 124 40 95 53 0
4.	Did you have the opportunity to express your opinion regarding the choice of activities?	Yes No I don't know	94 32 5

5.	What motivates you the most to participate in the “Different school” activities? (check up to 2 options)	The fact that they are different from regular classes 93 Interest in certain topics 37 The activities are fun 86 Participation of friends 72 The opportunity to learn useful things for the future 34 I am not motivated to participate 8
6.	Do you think the activities in “Different school” are useful for your personal development?	Yes, very useful 97 Partially useful 56 Not very useful 5 Not useful at all 0
7.	Did you participate in activities outside the school during “Different school”?	Yes 147 No 11 I don't remember 0
8.	Which of the following forms of learning appeal to you more?	Traditional classroom learning 12 Experiential learning (visits, hands-on practice, projects) 125 Both equally 21
9.	How do you rate the overall organization of the program at your high school?	Very well organized 76 Well organized 58 Poorly organized 24 I don't know / I haven't noticed 0
10.	Would you like the “Different school” program to be extended or changed?	Yes, I would like it to last longer 103 Yes, but with different types of activities 49 No, it is fine as it is I am not interested

			6 0
11.	Did you feel that the activities in “Different school” had an impact on how you see school or learning?	Yes, in a positive way There was no difference No, I found them useless	128 30 0
12.	Would you like to be more actively involved in organizing future activities?	Yes No Maybe	136 2 20

DISCUSSION

Students participating in the activities of the ‘Școala Altfel’ program can improve their communication and interpersonal skills by working in teams and will develop abilities to organize public events, cultivating appropriate and civilized behaviors. Several experts state that badminton has various benefits for the body: it improves skills and helps with weight loss, enhances cognitive brain functions, strengthens joints and muscles, reduces stress, and prevents certain diseases. “Different school” represents a special type of non-formal curriculum with an optional or voluntary character, aimed at fulfilling specific objectives of applied education (technological/professional, aesthetic, physical/sports/hygiene-sanitary), related to the objectives of intellectual (scientific) education, which predominate in formal instruction. It is continuously supported from the perspective of the positive resources of moral formation and development in the context of the values of the information society, based on knowledge." Among the sports activities loved by students, especially girls, we can mention badminton, which is an engaging sport that works both the physical and intellectual aspects by requiring quick decision-making."

3. CONCLUSIONS

Following the consolidation of the results, we can say that out of the total number of students, 130 participated fully, 20 participated partially, while only 8 did not participate. Under these circumstances, we can state that the participation rate is very high (over 90%), which demonstrates the general interest in the program.

Among the participating students, 52 felt very involved in the activities of the “Different school” program, 47 felt fairly involved, 22 felt somewhat involved, while only 37 students were not involved at all. Although participation is high, emotional/active involvement varies. Almost 60% feel involved, but 37 students declare a total lack of involvement, indicating a possible gap between attendance and genuine motivation."

The most appreciated activities that children participated in during the “Different school” program were sports activities (124) and professional activities (95). These were followed by cultural activities (73) and volunteering (53). Creative activities attracted only 40 students, and ‘Others’ was not selected by anyone."

Following the consolidation of the questionnaire responses, it emerged that students prefer dynamic, practical activities with relevance for the future (career guidance, sports). Artistic or creative activities are less popular.

The students’ motivation for participating in the “Different school” program is predominantly extrinsic and related to socializing and novelty, rather than the perceived educational value. Regarding the impact on students, 97 of them consider the activities very useful, 56 find them partially useful, and only 5 consider them less useful. The majority recognize the benefits of the program for personal development, which supports its continuation and diversification.

Outdoor activities are a strong point and are also very attractive to students. Among the high school students who responded to the questionnaire, 125 prefer experiential learning, 21 prefer both forms, while only 12 students said they prefer traditional learning. In other words, they prefer non-formal and practical methods—validating the direction of the “Different school” program.

Among all participants, 128 students stated that the program had a positive impact on how they now perceive school. “Different school” contributes to increasing the attractiveness of the educational process and fosters a clear desire for co-participation and responsibility, offering an opportunity to develop civic and leadership skills.

The consolidated data reflect a high level of participation, interest, and appreciation for the “Different school” program. At the same time, some challenges arise regarding effective involvement, diversity of activities, and student consultation in the planning process. Personalizing activities and increasing student involvement in decision-making are essential to strengthen internal motivation and the educational benefits of this program."

The “Different school” program succeeds in providing an attractive framework for high school students, who begin to appreciate learning through experience and practical interaction.

The majority preference for sports, professional, and extracurricular activities demonstrates students' need to break away from the routine of traditional classes and engage in more dynamic, relevant educational contexts connected to real life.

Students want a more active role in planning and carrying out activities, highlighting the importance of student participation as partners in the educational process.

The large number of respondents expressing a desire for direct involvement in organizing future activities suggests that the program's success largely depends on collaboration between teachers and students, as well as adapting content to their real interests.

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THE APPLICABILITY OF COMPLEXITY THEORY IN THE MANAGEMENT OF NON-REFUNDABLE FUNDED PROJECTS

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ABSTRACT

This paper explores the applicability of Complexity Theory to the management of non-refundable funded projects, with a particular focus on the public administration sector. Based on the premise that such projects function as complex, dynamic systems-marked by nonlinearity, emergence, interdependence, and sensitivity to initial conditions-the research aims to highlight the limitations of traditional project management models and the potential of an alternative, complexity-informed approach. The adopted methodology aligns with the qualitative paradigm and employs a case study-the construction of the Cluj-Napoca metro line-as a representative example. Documentary analysis enabled the identification of dysfunctions generated by linear management logic and brought to light the advantages of a more flexible conceptual framework, capable of navigating the uncertainties and multi-actor interactions characteristic of the public sector. The findings suggest a need to reconceptualize public project governance by integrating principles of Complexity Theory, thereby offering an innovative and adaptive perspective on decision-making and implementation processes.

KEYWORDS: *complexity theory, project management, non-refundable funding, public administration, case study, uncertainty, complex systems, dynamic environment.*

JEL CLASSIFICATION: H43, O22, D73

1. INTRODUCTION

1.1. Complexity Theory - An alternative conceptual framework for the Management of Non-Refundable Funded Projects.

The management of projects funded through non-refundable sources has traditionally relied on predictable and rigid models such as the *waterfall approach* or *Gantt chart planning*. These methods are based on sequential structuring, detailed upfront planning, and the assumption of control over risks and deviations. However, in practice, projects unfold within environments

shaped by uncertainty, legislative instability, institutional constraints, complex stakeholder interactions, and unpredictable external factors.

In such contexts, classical approaches often prove insufficient in addressing the real-world dynamics of project implementation. *Complexity Theory* offers an alternative perspective by conceptualizing projects as *adaptive systems*, sensitive to initial conditions and capable of *self-organization and emergent behavior*. In contrast to linear methodologies, this perspective promotes flexibility, adaptability, and distributed decision-making within an interactive and collaborative framework.

Compared to conventional models, Complexity Theory proposes an *evolutionary approach*—one that embraces uncertainty and treats risk not as a disruptive element but as a source of valuable information. Thus, the aim is not to reject traditional methods outright but to *complement them* with adaptive mechanisms that more accurately reflect the volatile realities of public sector projects.

1.2. Contribution of the Study to the Existing Literature

Although the applicability of Complexity Theory has been explored across various domains—such as organizational management, economic processes, and private-sector projects—research focused directly on publicly funded projects within public administration remains limited. The specialized literature is still predominantly centered on classical methodologies or case studies from construction and corporate sectors, often overlooking the specific structural and institutional challenges inherent to public sector projects.

This study seeks to expand that theoretical framework by directly examining the potential of complexity thinking to enhance the processes of design, implementation, and sustainability in public projects. Furthermore, it offers a comparative analysis between traditional approaches and those rooted in complexity theory, illustrating—through an applied case study—the benefits of adopting an adaptive paradigm in the face of methodological rigidity.

Accordingly, the study's main contribution lies in proposing an alternative theoretical and practical framework, applicable in real-world contexts, one that can support public authorities in avoiding administrative deadlocks and in improving the effective use of non-refundable funding resources.

2. NON-REFUNDABLE FUNDED PROJECTS AS COMPLEX SYSTEMS: THEORETICAL FOUNDATIONS AND APPLICABILITY

Over the past few decades, Complexity Theory has emerged as an increasingly influential analytical framework for understanding systems characterized by dynamics, interdependence, and

emergent behaviors. Initially developed in fields such as ecology, mathematics, and systems physics, the theory has since been integrated into the social sciences, including the study of organizations and decision-making processes. Its ability to explain phenomena that cannot be anticipated through linear or hierarchical models makes it particularly relevant for analyzing projects financed by non-refundable funds, especially within the public sector.

2.1. Public Projects – A Dynamic and Unpredictable Reality

Projects implemented in public administration typically involve a complex organizational architecture: multiple stakeholders, institutional interactions, rigid regulations, and fluctuating external influences. From the drafting of funding proposals to final reporting, each stage is exposed to the pressures of a constantly evolving legal and political environment. Under such conditions, treating a project as a mechanistic system governed by a fixed and predictable plan often leads to bottlenecks, delays, and unnecessary rigidity.

Complexity Theory, by contrast, proposes understanding the project as an *adaptive system*, characterized by *self-organization*, *nonlinearity*, *continuous feedback*, and *sensitivity to initial conditions*. From this perspective, small variations in the early phases can lead to disproportionately large effects throughout the project's lifecycle—a phenomenon equivalent to the “*butterfly effect*” described by Lorenz (1963) in chaos theory.

2.2. Core Principles of Complexity Theory and Their Application in Project Management

The scholarly literature (e.g., Mason, 2007) identifies five core features of complex systems that are directly applicable to project management:

- Nonlinearity – system responses are not proportional to stimuli;
- Emergence – outcomes result from interactions, not from centralized planning;
- Feedback – information circulates continuously and influences real-time decision-making;
- Self-organization – the system adjusts internally without direct external command;
- Adaptability – the capacity to respond to unforeseen external changes.

These principles form the foundation of a *new paradigm* for managing non-refundable funded projects—one that shifts the focus from control to learning, and from fixed planning to ongoing adaptation.

2.3. Advantages of the Complexity-Informed Approach in Public Projects

Implementing a vision inspired by Complexity Theory brings a range of concrete benefits:

- Integration of uncertainty as a functional, not disruptive, element – e.g., the system's ability to quickly adapt to legislative or economic changes during implementation;
- Iterative decision-making, based on continuous feedback – decisions are not static but evolve in response to the project's ongoing development;
- Modular and flexible organization – project activities can be reconfigured without disrupting the entire implementation flow;
- Organizational learning – insights gained from past experiences are applied in real-time to improve ongoing processes;
- Cross-sectoral collaboration – the relationships between stakeholders (beneficiaries, funders, partners) are viewed as *dynamic and interdependent*, serving as a source of innovation rather than mere hierarchical reporting lines.

This perspective strengthens *organizational resilience* and helps avoid the systemic blockages often generated by rigid application of traditional methodologies. As such, *Complexity Theory* serves not only as an abstract theoretical framework, but also as a *practical and necessary guide* for efficient and sustainable public sector project management.

3. RESEARCH METHODOLOGY

This study is situated within the *qualitative research paradigm*, characterized by an *exploratory and interpretative approach*. Its aim is to assess to what extent *Complexity Theory* can provide a relevant conceptual framework for the management of non-refundable funded projects in public administration. The chosen method is the *case study*, deemed appropriate for the in-depth investigation of a singular phenomenon within a real-world and complex context.

3.1. Case Study – The Cluj-Napoca Metro Project

The analysis focuses on a large-scale public initiative: the *construction of the Cluj-Napoca metro*, partially financed through non-refundable funding mechanisms. The selection of this case reflects the *intrinsic complexity of public projects*, which typically involve numerous institutional actors, extensive bureaucratic procedures, and high exposure to external variables.

The research methodology relies primarily on *documentary analysis* as the main tool for data collection. Information was sourced from official public platforms (institutional websites, technical documentation, city council resolutions, etc.) and complemented by documents obtained through a formal request submitted to the Cluj-Napoca City Hall.

This approach enabled the reconstruction of the *decision-making process* and the identification of key moments where the traditional project management model proved rigid or inefficient. Special attention was paid to situations in which linear planning models led to bottlenecks, delays, or coordination issues—thus illustrating the need for *adaptive mechanisms* and a *complexity-informed perspective*.

3.2. Methodological Justification

The case study provides an ideal framework for testing the applicability of Complexity Theory, as it allows direct observation of institutional interactions, organizational responses, and the influence of exogenous factors on project implementation. This method is particularly suited to contexts where *quantitative analysis would fail to capture* critical variables such as actor relationships, contextual dynamics, or the decision-making adaptability that are central to the logic of complex systems.

4. CASE STUDY ANALYSIS: THE CLUJ-NAPOCA METRO PROJECT

The construction of the Cluj-Napoca metro serves as a *relevant case study* of a public initiative partially supported by non-refundable funds, exemplifying several features of *complex systems*. Due to its technical scale, the number of institutions involved, and its high level of exposure to external uncertainties, this project reveals a series of *organizational and structural challenges* typical of large-scale initiatives managed within the Romanian public sector.

4.1. Institutional Blockages and Dysfunctionality

The documentary analysis highlighted several recurring dysfunctions, which can be grouped into four major categories:

- **Administrative Fragmentation:** The involvement of multiple decision-making bodies (local authorities, ministries, regulatory agencies) resulted in significant delays in project phase approvals. The absence of a coherent inter-institutional coordination mechanism amplified the rigidity of the decision-making process.
- **Overlapping Competencies and Decision-Making Ambiguity:** Responsibilities among the involved authorities were not clearly delineated, leading to ambiguity, duplication of roles,

and a lack of accountability during critical phases of the project.

- Lack of a Risk Management Mechanism: The traditional approach relied on rigid planning, poorly adapted to the project's dynamic realities. The absence of a functional risk anticipation and mitigation system resulted in delayed responses to unforeseen developments.
- Poorly Defined Responsibilities Within Project Teams: The absence of a flexible team structure, based on adaptive competencies, led to discontinuities in decision-making and communication breakdowns in operational processes.

These issues are not isolated to this specific case; rather, they reflect *systemic patterns in Romanian public administration*, where *structural fragmentation and excessive bureaucratization* often hinder the effective coordination of complex public projects.

4.2. Interpretation through the Lens of Complexity Theory

From the perspective of *Complexity Theory*, these institutional blockages reflect the behavior of an *underdeveloped adaptive system*, in which the absence of feedback loops and real-time adjustment capabilities undermines overall functionality. The metro project operates in an environment characterized by *interdependencies, contextual instability, and emergent decision-making*, all of which are inherently incompatible with rigid, linear planning.

For instance, *overlapping decision-making structures* can be interpreted as a consequence of lacking self-organizing mechanisms, while *administrative fragmentation* reveals systemic deficiencies in interconnectivity. In the absence of iterative institutional learning and continuous adaptation mechanisms, the project becomes highly vulnerable to *unexpected risks* and *systemic delays*.

An approach inspired by Complexity Theory would have entailed:

- Establishing a flexible and distributed governance framework;
- Creating institutional feedback mechanisms between the involved actors;
- Implementing an active system for managing emergent risks;
- Promoting adaptive leadership, capable of recognizing and addressing contextual instability.

The absence of these elements led to delays and structural dysfunctions—issues that could have been at least partially prevented through a *complexity-aware and adaptive managerial vision*.

5. CONCLUSIONS AND FUTURE DIRECTIONS

This study has highlighted the *relevance of Complexity Theory* as both a conceptual and operational tool for rethinking the management of publicly funded projects. Using the Cluj-Napoca Metro Line I project as a case study, the research demonstrated that *strategic infrastructure initiatives*, developed under conditions of institutional instability and interdependence, are more appropriately understood as *adaptive complex systems*.

The proposed theoretical approach was grounded in key concepts such as *nonlinearity, emergence, self-organization, and iterative feedback*—principles that naturally occur in the dynamics of public projects, yet are rarely recognized or leveraged within current governance practices. The research emphasized the need to move beyond a traditional, rigid, and hierarchical paradigm toward one that is *flexible, collaborative, and centered on continuous learning*.

The case analysis brought to light a series of *structural dysfunctions*—including fragmented decision-making, the absence of effective risk management mechanisms, and poorly defined responsibilities—which reflect the public system's *inability to function adaptively*. Despite formal compliance with technical funding requirements, the project suffered from delays and missed financial opportunities due to the lack of a dynamic governance framework.

From this standpoint, the study offers not only a theoretical demonstration of the applicability of Complexity Theory but also outlines a *practical path for reform*, in which public administrations may enhance their *resilience and effectiveness* through the integration of feedback mechanisms, organizational reconfiguration, and distributed governance models.

While the study acknowledges its limitations—such as its reliance solely on document analysis and focus on a single case—these constraints serve as *starting points for future research*. Further studies could involve *comparative inter-regional analysis, qualitative investigation of institutional networks, or the integration of digital tools* to simulate and anticipate the behavior of complex public projects.

In conclusion, this research calls for a *paradigm shift*: from control to adaptation, from hierarchy to network, from bureaucratic compliance to *organizational resilience*. Far from being a theoretical abstraction, Complexity Theory emerges as a *necessary and applicable framework* for modernizing the way public projects are designed, coordinated, and evaluated within an administrative landscape undergoing accelerated transformation.

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**EUROPEAN CONSTRUCTION BETWEEN THE IDEA OF A UNITED EUROPE
AND THE IDEA OF A UNITARY EUROPE.
FROM THE IDEAS OF THE FOUNDING FATHERS TO THE CREATION OF
THE EUROPEAN COAL AND STEEL COMMUNITY, THE EUROPEAN ECONOMIC
COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY.**

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ABSTRACT

Even if the history of the European construction has its origins in the Schuman Declaration which was uttered for the first time on May 9, 1950, more than 75 years ago, for us Romanians, the history of European construction is an intrinsic part of our recent history, Romania being a member of this unique project since January 1, 2007. Thus Romania has been part of this great pro-European family for 18 years. In this context of the year 2025 in which we celebrate 75 years since the first initiative to create a "United and Unitary Europe" and 18 years since Romania has been part of the European Union, it is appropriate to celebrate also this unique historical moment and to look back in history to highlight the most important moments of the process of European construction and to pay a tribute to its founders, those enlightened intellectuals with a brilliant thinking and vision without whom the realization of the European project would not have been possible and would not have been successful. Regardless of the field of activity, ideological and political preferences or the degree of intellectual training, the realities of the European Union are omnipresent in our daily lives and have a major importance in our destiny both at European, national and individual level, through the status of full citizens with full rights but also with obligations arising from the European treaties. In the recent past, the historiography production dedicated to the European construction has become a respectable one both in terms of quantity and quality, especially after the introduction of the history of the European construction in the field of academic disciplines in Romania. The present work aims to align itself with this trend and is addressed to students regardless of specialization, future European specialists as well as to all those who wish to know more deeply the process of European construction and the ideas that have been at the basis of it and to better understand the European Union today, this perpetuum mobile in constant change. Robert Schuman, for example, associated European construction with "a leap

into the unknown” because there had been no such phenomenon in the history of Europe, the project of European construction being the first of its kind.

KEYWORDS: *European construction, founding fathers, Franco-German rivalry, united Europe, unitary Europe, Pan Europe, Schuman Declaration, Council of Europe, Coal and Steel Economic Community, European Economic Community, European Atomic Energy Community.*

JEL CLASSIFICATION: F15, N44, H87.

1. INTRODUCTION. HISTORICAL CONTEXT

The changes brought by the World War I (1914-1918), had dramatic consequences on European peoples, the deep Franco-German rivalry, along with the collapse of the Austro-Hungarian Empire and the involvement of the United States in European affairs, led to the emergence of several discussions and works in the 1920s, which resulted in the creation of a “laboratory of ideas” (Roth, 2007), aimed at gradually achieving a united Europe.

In 1923, Count Richard Coudenhove-Kalergi wrote a paper entitled “Pan Europa” in which he presented the “European idea,” based on the creation of a federation of European states to ensure unity and peace among nations. At that time, the attention of contemporaries did not seem to be attracted by such ideas. The only politician who responded promptly to this initiative was Aristide Briand, the French foreign minister, who, having lived through the devastating experience of the World War I and convinced of the negative effect of tense Franco-German relations, decided to launch the United States of Europe project in 1929 from the rostrum of the League of Nations in Geneva. Two years later, upon his death in 1931, the project to establish a European federation was no longer of interest to the politicians of the time, remaining only “an archive document.” In this context, Hitler seized power in 1933, resulting in World War II (1939-1945). Disagreements between the victorious and defeated states led to disagreements over the organization of the continent, resulting in even greater division.

The year 1945, from many points of view, can be called the year 0 of Europe (Păun, Păun, 1999). As a result of World War II, Europe lost 50 million people, of whom approximately 25 million were civilians. Added to these figures are millions of wounded, orphans, widows, collateral victims of war, and over 30 million Europeans seeking political asylum (Păun, Păun, 1999).

The political history of Europe began in 1945 with the rebirth of the continent through its reinvention. The reinvention of Europe was based on the European construction process. Thus, on September 19, 1946, Winston Churchill gave a speech on the future of Europe and it was headed in the auditorium of the University of Zurich. He is credited with reviving the idea of a united Europe, which originated in the 1920s on the initiative of Count Coudenhove Kalergi and Aristide Briand (Brestein, Milza, 1988).

Among the first steps taken towards European construction, a unique and unprecedented project was the creation of the Council of Europe. The Treaty establishing the Council of Europe was signed on May 5, 1949. The ten signatory countries were: France, Great Britain, Denmark, Ireland, Italy, Belgium, the Netherlands, Luxembourg, Norway, and Sweden. With the establishment of the Council of Europe, debates on the creation of a united Europe were relaunched. Although the Council had no legislative, let alone executive, functions, it served as a platform and forum, or as a new laboratory of ideas advocating “the union of peoples and the creation of a European space without borders” (Roth, 2007).

In 1946, parallel to the start of the European construction project, the Cold War also began. On March 5, 1946, Winston Churchill, the former British prime minister, on an unofficial visit to the US, gave a speech on world politics at a prestigious American university. US President Harry Truman was also present. In his speech, he stated: “From Stettin in the Baltic Sea to Trieste in the Adriatic Sea, an iron curtain has descended across the continent. Behind it lie the capitals of the old states of Central and Eastern Europe: Warsaw, Berlin, Prague, Vienna, Budapest, Belgrade, Bucharest, Sofia. All these beautiful capitals and the populations of these countries are now within the Soviet sphere of influence” (Păun, Păun, 1999).

Due to the Soviet occupation zone, Europe inevitably found itself in its Western part: “only there did modern institutions based on liberal democracy earn the right to shape European relations at the end of this century” (Păun, Păun, 1999).

In this unfavorable context, the integration formula became increasingly attractive to France, Italy, Germany, Belgium, the Netherlands, and Luxembourg, which would follow the path of integration from the creation of the European Coal and Steel Community (Treaty of Paris, 1951) to the Common Market (Treaty of Rome, 1957). Two possibilities were considered for achieving the union of European peoples in a European area without borders. The first option envisaged the construction of Europe “from the top to bottom” (Păun, Păun), through the drafting of a European Constitution to be adopted by the member states. However, this option seemed too radical to be accepted by Europeans. The second option envisaged a gradual union achieved in the long term. It consisted largely of creating a free trade area within one or more economic sectors (coal, steel, electricity, transport), followed by expansion into other areas, depending on the results achieved. Beyond these proposals, debates, and ideas, the following question arose: Who would be in a position to launch this initiative: a country, a group of countries, or an influential politician?

2. THE IDEA OF A UNITED EUROPE, AS ENVISIONED BY ITS FOUNDERS

French economist and politician Jean Monnet (1888-1979) devoted much of his life to the cause of European construction. In his book, “Memoirs”, Jean Monnet stated: “I have only one concern: to unite people, to solve the problems that divide them, to make them see their common interest” (Monnet, 1976).

His concern for achieving peace is evident in the following statement: "There will be no peace in Europe if states are reconstituted on the basis of national sovereignty. If European states begin to protect themselves against each other again, extensive armament will once again become a necessity" (Monnet, 1976).

Jean Monnet emphasizes that European states are not capable of ensuring the economic prosperity that Europeans need, calling for the creation of larger markets.

In his view, prosperity and social development could only be achieved if European states formed a federation or a European entity based on a homogeneous economy.

Jean Monnet is also concerned with solving the German problem. He imagines a system in which part of the industrial potential of the old Reich, which included the coal and steel resources of the Ruhr area, would be placed under the control of a European authority that would generate benefits for the other participating nations, with the aim of demilitarizing Germany. About this, Jean Monnet said, "presupposes that Europe unify and, in addition to cooperation, impose the transfer of sovereignty agreed upon by the European nations to a central union, a union that has the power to reduce customs barriers and prevent the reconstruction of nationalisms" (Monnet, 1976).

Among the ideas presented by Robert Schuman, the French foreign minister, in the Clock Room of the Quai d'Orsay Palace on May 9, 1950, regarding the importance of achieving a united Europe, the following are worth mentioning: "World peace cannot be secured without creative efforts commensurate with the dangers that threaten it," "Europe will not be built all at once or according to a single plan, but through concrete achievements which first create a de facto solidarity", "The French government proposes that Franco-German coal and steel production be placed under a High Common Authority, within an organization open to other European states. The pooling of coal and steel production will immediately ensure the establishment of common bases for economic development, a first step towards the creation of a European federation, and will change the destinies of those regions which in the past were dedicated to the manufacture of war munitions, but which were at the same time the most constant victims of conflicts" (Schuman Declaration, May 9, 1950).

Konrad Adenauer, Chancellor of the Federal Republic of Germany between 1949 and 1963, was one of the main advocates of the creation of a united and peaceful Europe. His 14-year term was marked by his efforts to support European construction and his genuine desire to reconcile Germany and France. He saw European unity as a means of rebuilding his country, and he believed that an agreement with France was essential for restoring peace in Europe. In his many speeches, Konrad Adenauer repeatedly evoked the idea of a United States of Europe based on a union of economic interests that would naturally lead to a political union. In his view, the division of the Federal Republic of Germany was the result of disagreements between European states that led to the division of Europe into two antagonistic blocs. Konrad Adenauer saw the reunification of Europe as "the end of Germany's painful division" (Adenauer Declaration). The plan to pool the coal and steel resources of France and Germany (at that time, the Federal Republic of Germany had not yet been established), presented by Robert Schuman, was seen by him as the beginning of

close cooperation between the two states. In his memoirs, Adenauer wrote: "I replied to Schuman without delay, telling him that I wholeheartedly approved of his proposal (Monnet, 1978).

Paul Henry Spaak, a Belgian politician and socialist leader who held positions in both state and international organizations, advocated for the political and economic unification of Western Europe. He supported both European unification and the creation of the European Coal and Steel Community, and last but not least, he supported the European Defense Community.

Paul Henry Spaak also initiated the union of Belgium, the Netherlands, and Luxembourg in the Benelux customs union and supported the accession of the United Kingdom to the European Communities. For him, uniting countries through treaties was the best way to guarantee peace and stability ("Founding Fathers," http://europa.eu/abc/foundingfathers/spaak/index_en.htm). In his speech on March 9, 1953, in Strasbourg, he emphasized the need for states to relinquish some of their sovereignty in the interests of collective security. He stated: "In all the discussions on this subject, we must not lose sight of what we consider to be our supreme interest: the consolidation of our union, on which our prosperity, our happiness, our security and perhaps even our very existence depend" (Ad hoc Assembly. Draft treaty on the status of the European Community).

3. THE IDEA OF CREATING A UNITARY EUROPE

The founders of a united Europe, Jean Monnet, Aristide Briand, Konrad Adenauer, Robert Schuman, and Paul Henry Spaak, envisaged the creation of a deeper union reflected in the idea of achieving a unitary Europe that would aim not only at a simple union of states but also at eliminating trade barriers between member states, improving and harmonizing their economic and social conditions. Thus, the first steps were taken in the transition from a united Europe to a unitary Europe and the creation of the European communities.

A unitary Europe aimed to reduce economic disparities between member states by providing them with support to achieve a uniform level of development throughout the territory covered by the unification project, so that member states could enjoy equal economic growth, giving less developed states the chance to evolve.

Once member states enjoyed economic and social equality, trade between them could be conducted freely and fairly, avoiding situations of unfair competition in which already developed states would experience even more rapid development while states suffering from economic disparities would fall even further behind (Ciocan, Tăut, Nuna, 2007).

The concept of a unitary Europe, which still underpins the European Union today, involved and continues to involve the creation of a compact Europe by reducing and even eliminating the gaps between Member States. This achievement is necessary in order to adopt uniform policies at European level that have the same impact and the same results in Member States, rather than different results such as the advantage or disadvantage of a particular Member State.

A unified unitary Europe primarily involved the creation of an area without internal borders, in which harmonious and homogeneous development could be achieved.

With the aim of supporting the creation of a unitary, harmonious, and homogeneous Europe, the three European Communities were established through two treaties, as follows: the European Coal and Steel Community through the Treaty of Paris in 1951, the European Economic Community and the European Atomic Energy Community through the Treaty of Rome in 1957.

The creation of the three European Communities represented the first step towards a unified and unitary Europe and the first step towards “a harmonious development of economic activities, continuous and balanced expansion, increased stability, accelerated growth in living standards, and closer relations between member states” (Leonard, 2001).

The road would prove to be a long and arduous one, facing many challenges and overcoming many obstacles due in large part to the differing interests of European states. That is why taking the first step in this direction by creating the European Coal and Steel Community is an essential element in the history of the European construction process.

A prime example that reflects the goal of a unitary Europe is the establishment of the European Coal and Steel Community (ECSC). After being accepted into the OECE, West Germany regained its place among European states. The most important issue that needed to be resolved in order to consolidate the “common European destiny” was the French occupation of the Ruhr area. The Ruhr basin was very important to the Germans, as was the Saar region, because during the wars they were the source of raw materials that fueled the arms and ammunition manufacturing industry. Jean Monnet drafted a project under these circumstances, which aimed to end the Franco-German conflicts and create a homogeneous Europe. This project envisaged the creation of the European Coal and Steel Community (ECSC).

The text drafted by Jean Monnet was taken up by Robert Schuman, French Foreign Minister between 1948 and 1952, and presented in his Official Declaration to the foreign press on May 9, 1950.

The proposal to create the ECSC took legal form with the signing of the **Treaty of Paris** on April 18, 1951, by the foreign ministers of France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg. The treaty entered into force on **July 23, 1952**. The Treaty stipulates the objective of creating a common market, eliminating excessive concentrations of economic power, creating a broad community policy, etc. It emphasizes that a unified and unitary Europe will not be created all at once, but gradually, through concrete achievements.

The ECSC represents the creation of the Common Market for Coal and Steel through the unification of the national markets of France, West Germany, the Benelux countries, and Italy. In order to create a general Community direction, this amalgamation of politics and economics represented by the European construction in its embryonic phase required impetuous thinking and the creation of European institutions to provide sustainability to this process.

The structure of the European Coal and Steel Community is based on three institutions: the High Authority, the Council of Ministers, and the Parliamentary Assembly. The structure is

completed with the establishment of a European Court of Justice, which is maintained and found in the foundations of today's European Union.

Jean Monnet wrote in his "Memoirs" about the ECSC that the provisions of the treaty had been respected and that, six months after the project had been launched, all radio stations announced: "As of this morning, February 10, 1953, there is no longer German, Belgian, French, Italian, Dutch, or Luxembourg coal, but only European coal circulating freely among us, the six countries considered to **be one and the same territory**" (Monnet, 1976).

The goal of a unitary Europe, as set out in the founding treaty of the ECSC, is to unify the national markets of the six member states in order to create a common market that will ensure homogeneous development by eliminating excessive concentrations of economic power (Treaty of Paris, 1951).

Another example that reflects the goal of a unitary Europe is the creation of the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM). **The Treaty of Rome**, defined by lawmakers as a "framework treaty" that created the EEC and EURATOM, was signed at the Capitol Palace in Rome on March 25, 1957. This laid the foundations for the expansion of integration and the consolidation of the union, creating the so-called Community triangle made up of the three Communities: ECSC, EEC, and EURATOM.

The treaty aims to achieve economic, customs, and political union. The aim was to remove customs tariffs between Member States and establish a common external tariff (Dinan, 2006). In addition to the customs union, it also aimed to prohibit cartels, trusts, and other monopolistic structures within the market, encourage competition, and discourage direct state involvement in the economy, with an emphasis on the **free movement of persons, goods, capital, and services**.

The Treaty also provided for the organization of the Common Agricultural Market. The major institutions in this case are the EEC Commission, the Council of Ministers, the Parliamentary Assembly, and the Court of Justice, but there are also bodies involved in the creation of the customs union, such as the Economic and Social Committee.

The general objective of the EEC is illustrated in Article 2: "The Community shall have as its task, by establishing a common market and progressively reconciling the economic policies of Member States, to promote the harmonious development of economic activities within the Community, continuous and balanced expansion [...] an accelerated improvement in the standard of living and closer relations between the States united in this Community" (EEC Treaty, part of the Treaty of Rome, 1957).

Article 3 sets out the areas of action of the EEC:

1. The abolition of customs duties and restrictions on the quantity of products exported between Member States;
2. The establishment of a common customs tariff and a common commercial policy with states outside the Community;
3. The removal of restrictions on the free movement of persons, services, and capital between member states;

4. The development of common policies for agriculture;
5. The establishment of common policies in the field of transport;
6. Establishing regulations to ensure competition;
7. Measures to coordinate the economic policies of Member States and ensure security against balance of payments imbalances;
8. Coordinating national legislation for the proper functioning of the market;
9. Creating the European Social Fund (the first European fund) to help create jobs and ensure a high standard of living;
10. The creation of the European Investment Bank;
11. The creation of close ties between countries outside the Community for better cooperation in the commercial and social fields (Păun, Păun, 1999).

The European Investment Bank (EIB), established in 1958 by Article 129 of the Treaty of Rome, had as its main role the lending of funds for projects of European interest, such as road and rail transport (European Investment Bank, http://europa.eu/institutions/financial/eib/index_ro.htm). With the rise of technology, the bank also financed projects such as airport construction and environmental programs, and supported investments by small businesses in the Member States and economic development in candidate countries and developing countries. The bank's priorities, according to Title IV, Article 130 of the Treaty of Rome, are as follows: "The bank shall facilitate, through guarantees and loans, the financing of the following types of projects:

- projects in less developed regions;
- projects aimed at modernizing or converting enterprises or activities for the benefit of the gradual establishment of the Common Market, which cannot be covered at the national level;
- projects of common interest to a number of Member States which cannot be financed entirely by them."

The EIB is a non-profit, self-financing institution that is independent of the Community budget (European Investment Bank, What does the bank do? http://europa.eu/institutions/financial/eib/ind_ex_en.htm). When it was established, the bank had a capital of one billion units of account, subscribed by the Member States. The value of the unit of account was 0.88867088 grams of fine gold (Protocol on the Statute of the European Investment Bank, Article 4). From the outset, the bank's shareholders were the Member States, which collectively participated in the bank's capital, with each country's contribution reflecting its economic strength within the Community.

As regards the European Atomic Energy Community (EURATOM), the general objective mentioned in the treaty was to develop and modernize the atomic energy sector, considered essential for European economic growth. The EURATOM Treaty was supposed to ensure the distribution of technical knowledge, the development of safety standards for workers and the population, the free movement of experts, etc. It encountered problems, being signed after difficult

negotiations because the only country that was truly interested in this project was France (Roth, 2007). Over time, it became clear that this sector would be dominated by national models due to the separate development of civil atomic energy programs in Member States.

The Treaty establishing the European Economic Community also raises the importance of creating a **Regional Policy**. In this regard, the Preamble to the EEC Treaty referred to “harmonious development by reducing disparities between the various regions and the backwardness of the less-favored areas” (Treaty of Rome, 1957, Preamble 12). The country that insisted most on laying the foundations for this policy was Italy, which was facing serious economic problems in the south, in comparison with the other Member States which enjoyed a balanced development (Bârgăoanu, 2009). Great Britain decides not to sign the Treaty of Rome and to keep a certain distance from the European unification project.

The Treaty of Rome was ratified by the parliaments of the six Member States and entered into force on **January 1, 1958**.

Article 240 of the Treaty stipulates that it was concluded for an indefinite period, unlike the ECSC, which was concluded for fifty years.

The aim of a unitary Europe, which was the basis for the establishment of the EEC and EURATOM, as enshrined in the Treaty of Rome, is to achieve a customs union, the total abolition of customs duties and quantitative restrictions and the establishment of a common external tariff.

The aim was also to create a vast area in which persons, goods, services and capitals could move freely. The free movement of goods (merchandise) from one Member State to another Member State meant harmonization of customs duty systems and common rules on health, consumer and environmental protection, plus the removal of all barriers to trade. Article 95 of the Treaty of Rome stipulates that no Member State shall have the right to impose, directly or indirectly, duties on imports of products from other Member States. All these provisions were aimed at achieving a homogeneous European area, i.e. a truly unitary Europe (Ciocan, Tăut, Nuna, 2007).

4. CONCLUSIONS

Sine quo dubium, the construction of Europe has meant, as the French Foreign Minister Robert Schuman has noted, “a leap into the unknown”, taking into regard the fact that in the whole history of Europe there has never been a similar project, the project of European construction being the first of its kind.

Also, according to historiographical data, we can state that the European construction was based on the need for European peace and security, strongly affected by the two world wars (1914-1918, 1939-1944) and the permanent concern to put an end to the Franco-German rivalry and to avoid at all costs the outbreak of a Third World War.

Thanks to great intellectuals such as Jean Monnet, Robert Schuman, Konrad Adenauer, Winston Churchill, Paul Henri Spaak, Alcide de Gasperi, Altiero Spinelii and many others, the

project of European construction, which was to create a united, unified and unitary Europe, not only became possible but became a unique and successful project. The project was welcomed by all the major actors on the international relations scene all over the world, but especially by the United States of America.

The creation of the Economic Community for Coal and Steel by the Treaty of Paris signed on 18 April 1951 and ratified on 23 July 1952 by France, West Germany, Italy, Belgium, the Netherlands, Belgium and Luxembourg, which put an end to the Franco-German conflict, meant the rebirth of Europe after a long dark period characterized by wars and stagnation. Like the Phoenix bird, Europe managed to rise from its own ashes.

The creation of the Economic Community for Coal and Steel also has the merit of having realized the transition from the secure and conflict-free united Europe initially conceived by the founding fathers, to a unitary Europe, a project that has become much more complex and in which the founders brought to the forefront, in addition to security issues, those related to economic development and solidarity.

Furthermore, the creation of the European Economic Community and the European Atomic Energy Community by the Treaty of Rome signed in the Capitoline Palace in Rome on March 25, 1957 and ratified on January 1, 1958, takes the project to another level and makes the transition to a de facto unitary and unified Europe with an emphasis on harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated rise in the standard of living and closer relations between Member States, thus shifting the European paradigm from security (essential condition for survival) to harmonious development (essential condition for increasing the quality of life of the citizens of the Member States).

Thus the success of the European construction is based on the principle theorized by Jean Monnet in his book "Memoirs", according to which European peoples will no longer be defeated or victorious peoples, but equal and united peoples, a principle that is still valid today.

The European construction in its embryonic phase was an amalgam of political and economic that required the thinking and creation of European institutions to provide stability to this process.

Today, from six member states, the European construction has now encompassed 27 member states from Western and Eastern Europe and continues to uphold the principles stipulated in the founding treaties, facing all the challenges of recent years, such as the Covid 19 pandemic, the Russian-Ukrainian war on its borders, the complicated relations with the United States of America and Trump's administration.

Romania, a member state since January 1, 2007, has enjoyed multiple benefits from the European Union during its 18 years of membership. Between January 1, 2007 and December 31, 2024, Romania has received from the European Union budget a total amount of 99.288 billion euro and has paid to the EU budget 32.603 billion euro. These funds have been invested in education, health, transport and the private business environment contributing significantly to Romania's development (Ministry of Finance, 2025). Also Romania's biggest recent achievement

is the entry into the Schengen Area from January 1, 2025 consisting in the abolition of border controls on travel to and from other Schengen Member States for all Romanian citizens.

For these benefits, Romania should be grateful to the founding fathers and to the project of European construction for the opportunities received.

In conclusion, the ideas and statements of the founding fathers have kept their value until today. One of the most important statements on the European construction that is timeless was certainly made by the founding father Jean Monnet who states that: "Nothing is possible without individuals, nothing is sustainable without institutions" (Jean Monnet, 1976). This initiative of European construction has brought with it 75 years of uninterrupted peace and prosperity in Europe for which we should all be grateful. Without doubt, the European dream will go further and it will fulfill its purpose and its destiny.

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**THE EXERCISE OF THE CIVIL ACTION IN CRIMINAL PROCEEDINGS.
THE MOMENT OF CIVIL PARTY CONSTITUTION**

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ABSTRACT

The domestic procedural provisions regarding the civil action in criminal proceedings are marked by dynamism, undergoing constant evolution — including recent developments — with significant impact on the reparation of damages resulting from an offense within the same procedural framework.

Through this study, we aim to draw the reader's attention to certain current theoretical and practical aspects. We will focus in particular on the types of actions that may be exercised in Romanian criminal proceedings, on the legal basis and the subjects of the civil action, and especially on the initial and final moments concerning the constitution as a civil party upon request in the criminal process. In the course of this endeavor, we will also draw parallels with provisions of civil procedural law, as well as provide an analysis of the current criminal procedural regulation in relation to certain relevant judicial decisions.

KEYWORDS: *civil action, criminal proceedings, damages, procedural law*

J.E.I CLASSIFICATION: K14, K41, K36

1. INTRODUCTION

The exercise of civil action within the framework of Romanian criminal proceedings reflects a dynamic interplay between two distinct yet interconnected branches of law—criminal and civil. Rooted in a **mixed procedural system**, the legal framework enables the pursuit of both criminal liability and civil compensation within a single process, allowing the injured party to seek reparation for the material or moral harm caused by a criminal offense.

This study explores in depth the **legal basis, procedural stages, and structural nuances** surrounding the constitution as a civil party in criminal trials. By analyzing the relevant provisions of the Criminal Procedure Code and their interpretation through judicial practice and constitutional

case law, we aim to clarify the **categories of actions** that may be brought in a criminal context, the **subjects involved** in civil liability, and the **critical procedural moments**—both initial (*a quo*) and final (*ad quem*)—for the valid exercise of civil claims.

Special attention is paid to the **evolving legislative context**, particularly in light of the Constitutional Court's rulings, which have impacted the procedural rights of both civil parties and civilly liable third parties. These developments raise important questions regarding **procedural fairness, timeliness, and the coherence of the mixed system**, especially when civil claims are exercised alongside or within criminal litigation.

In this context, the study also proposes *de lege ferenda* suggestions to ensure greater consistency between criminal and civil procedure, emphasizing the necessity of clarity, predictability, and respect for fundamental rights in the enforcement of civil claims resulting from criminal conduct.

2. CATEGORIES OF ACTIONS THAT MAY BE EXERCISED IN ROMANIAN CRIMINAL PROCEEDINGS

1.1. The Mixed System

The commission of a criminal offense can result, beyond the socially dangerous consequences specific to criminal law, in material and moral damages caused to natural or legal persons (A. Chișu, 2023).

In early judicial systems, compensation resulting from the commission of a criminal offense was not granted separately but was incorporated into the punishment itself, without a clear distinction between civil and criminal liability (A. Chișu, 2023). Nowadays, in certain contemporary legal systems, the reparation of damage caused by a criminal offense can take place exclusively before the civil courts (A. Stoica, 2011), with criminal and civil actions being entirely separate.

In Romanian criminal proceedings, following the commission of an offense which, by its nature, causes material and/or moral damage, two otherwise distinct categories of actions may be exercised in parallel:

- **the criminal action**, which aims to hold criminally liable the individuals who committed the offense [Art. 14 of the Criminal Procedure Code (New Criminal Procedure Code with its current amendments)], through the application of penalties and other measures provided by criminal law, and whose purpose is repression; and
- **the civil action**, which aims to hold the defendant and the civilly liable party accountable for compensating the material and/or moral damage caused to the civil party by the act

forming the object of the criminal action – Art. 19(1) and (2) of the Criminal Procedure Code.

The Romanian legislator, following the French model (S. Guinchard, J. Buisson, 2008), opted for a mixed system, allowing for the separate exercise of these actions within the same procedural framework.

The mixed system is neither rigid nor mandatory. The civil party has the right—but not the obligation—to become a civil party in the criminal proceedings, according to Art. 27 of the Criminal Procedure Code. Thus, the reparation of damage caused by the offense can also take place before the civil courts, as the original and common route of compensation under tort liability. The option between criminal and civil jurisdiction belongs to the entitled persons or their successors.

Regardless of the jurisdiction before which the civil claims are submitted, the **principle of availability** applies, systematically codified under Art. 9 of the Civil Procedure Code.

From the perspective of the active subject of the civil action in criminal proceedings, the principle of availability—specific to civil procedure—includes: the right to petition, the determination of the object and limits of the action, and the right to renounce, settle, or mediate (Art. 9 CPC, Art. 194 CPC, Art. 406 et seq. CPC, as reflected in Art. 20 and Art. 22 of the Criminal Procedure Code).

Similarly, the passive subject of the civil action exercised in criminal proceedings, as an expression of the principle of availability, has the option to fully or partially agree with the civil claims asserted—an option also specific to civil procedure. Depending on whether the unconditional acknowledgment of the claims by the defendant in the civil action is full or partial, we consider that, under Art. 436 CPC corroborated with Art. 2(2) CPC, the court may issue a ruling “to the extent of the acknowledgment.”

Furthermore, the active subject of the civil action may appeal the criminal judgment only in regard to the solution issued on the civil component. At the same time, they may accept the ruling in relation to this component under the provisions of Art. 463 CPC in conjunction with Art. 2(2) CPC.

These approaches, on the one hand, respect the specific nature of the civil action and give effect to the principle of availability, and on the other hand, facilitate the simplification of the civil action, contributing to the completion of the proceedings within a reasonable timeframe.

The free right to choose between the two jurisdictions for damages arising from a criminal offense (i.e., whether the injured person decides to initiate the civil action separately from the criminal trial or to pursue this legal remedy during the criminal proceedings) corresponds to the principle of the availability of the civil action (Constitutional Court, Decision No. 257/2017), broadly interpreted in the context of the two competent jurisdictions to resolve civil law disputes. The fact

that the civil action in criminal proceedings is **available** fundamentally distinguishes it from the **criminal action** (A. Boroï, G. Negruț, 2022).

1.2. Severance of the Civil Action

Legal doctrine has noted a tendency of the national legislator to deviate from the traditional mixed system by increasing the number of situations in which the civil action is separated from the criminal one (Art. 19 para. 4 and Art. 26 of the Criminal Procedure Code), or through the numerous cases where the civil action remains unresolved in criminal proceedings or is referred to civil jurisdiction (Art. 25 paras. 5 and 6 and Art. 20 para. 4 CPCr).

Among the limitations of the right to choose jurisdiction is the situation in which resolving the civil action would delay the judgment of the criminal case (G.-A. Radu, 2012), specifically the scenario in which resolving the civil claim in the criminal proceedings would lead to exceeding the reasonable duration of the trial. This scenario concerns the severance of the civil action, currently regulated by Art. 19 para. (4) and Art. 26 para. (1) first sentence of the Criminal Procedure Code.

The purpose of these legal provisions is to avoid delays in the resolution of criminal law disputes (I. Borlan, 2016). Priority is given to the public interest that governs criminal law, rather than to private interests related to the reparation of damage through civil action.

Under current law (*de lege lata*), since the legislator has not defined specific minimum conditions that would trigger the exceeding of a reasonable timeframe, the decision to sever the civil action lies entirely within the court's discretion, based on the specific facts and elements of the case under judgment, without this being a mandatory obligation.

Severance becomes genuinely necessary when the delay in resolving the criminal case would be substantial — for example, when, in contrast to the evidence on the criminal side, the civil side requires extensive evidentiary proceedings over many hearings — or when it could render the criminal action ineffective (e.g., the risk of statute of limitations expiring for criminal liability due solely to the time required to administer civil evidence).

Therefore, not every delay in resolving a criminal dispute should justify the severance of the civil action on the grounds of exceeding a reasonable trial duration. Otherwise, the mixed system would be undermined, ignoring the fact that joining both actions in the same procedural framework often entails more complex evidence in one of them. Thus, the **scope of civil evidence** or the **prevention of the criminal action's ineffectiveness** becomes crucial.

In the event of civil action severance, we consider this does **not** amount to an actual limitation of the right to opt for joining both actions in the same criminal trial, because:

- The expression of will has already been made; therefore, the right to choose has been exercised, as the victim previously opted—at the legal procedural moments addressed in this paper—for the joining of the civil claim with the criminal action;
- Upon severance, the civil claim remains under the jurisdiction of the **criminal court**, according to Art. 26 para. (1) second sentence CPCr, without being transferred to the civil courts.

Specialized literature has suggested that the current regulation of civil action severance is not objectionable (I. Borlan, 2016). However, *de lege ferenda*, we consider it would be useful to define minimum conditions under which the resolution of the civil action would significantly and effectively delay the resolution of the criminal case, thereby seriously and genuinely harming the public interest. This is important because:

- It would help avoid creating a **customary practice** — potentially even considered an abuse of rights — that would bypass the mixed system of resolving both actions in the same criminal proceeding, a system which the Romanian legislator has clearly chosen;
- Often, the **criminal penalty is influenced** by the degree of danger and the consequences of the offense (Art. 74 para. 1 lit. b and c of the Criminal Code, regarding general criteria for sentencing), so the implications of the civil component in the criminal one should not be overlooked;
- For many victims, obtaining **compensation** for damages caused by the offense is a **primary goal**, which they perceive as **inseparable** from the imposition of a criminal sanction — even though legally we are dealing with two distinct actions.

2. The legal basis and subjects of the civil action

The civil action in criminal proceedings is exercised, according to Article 19(2) of the Criminal Procedure Code, by the injured party or by their successors. They may request to become a civil party in the criminal trial (Art. 19 corroborated with Art. 20 CPCr), thus exercising their right of option to join the civil action with the criminal one within the same proceedings, a right governed by the principle *electa una via non datur recursus ad alteram*, with the exceptions provided by law (B. Micu, B. Slăvoiu, A. Zarafiu, 20026). There is also the so-called *civil action ex officio*, which currently operates similarly to the civil party's voluntary constitution upon request but is not the subject of this study.

The **factual basis** of the civil action in criminal proceedings is the act that constitutes the object of the criminal action, according to Art. 19(1) of the Criminal Procedure Code. This refers to the offense which, by its nature, causes material or moral damage (Supreme Court, Criminal Section,

Decision no. 1264/1983), since the granting of compensation in the criminal trial cannot be based on an extrapenal illicit act (Supreme Court, Criminal Section, Decision no. 616/1976).

The **legal basis** of the civil action lies in the violation of legal provisions that give rise to the right to compensation for damages (M. Udroi, 2012).

When reparation for the damage caused by an offense is sought within the criminal proceedings, by means of the civil action initiated through the constitution as a civil party, the injured person acquires the status of **civil party** in the criminal trial – Art. 32(1) and (2) CPCr.

Constitution as a civil party in criminal proceedings is a **prerogative of the passive subject** of the act provided by criminal law (the injured person or their successors), who thus becomes the **active subject** of the civil action exercised in the criminal trial (Art. 84 CPCr; A. Crișu, A. Boro, G. Negru).

To acquire this status, it is necessary to **express the will** to join the civil action to the criminal one, through a declaration of constitution as a civil party (Art. 19(2) CPCr). This declaration may be made in writing or orally and must be formally recorded by the judicial body before which it is submitted.

In other words, the "plaintiff" in a civil action before a civil court acquires, in the civil action within the criminal trial, a specific designation—namely, that of **civil party**.

The **passive subject** of the civil action in criminal proceedings is the **defendant**, and, where applicable, the **civilly liable party** (Art. 19(2) CPCr). These correspond to the "defendants" in the civil jurisdiction, whether they are direct defendants or those brought in as guarantors (Art. 55 CPC, Art. 72 et seq. CPC).

Furthermore, since the **civilly liable party** has the **optional right** to intervene in the criminal trial until the end of the judicial investigation at first instance (Art. 21(3) CPCr), this constitutes a procedural transposition of the civil procedural provisions under Art. 61 et seq. CPC regarding voluntary intervention in one's own interest or in the interest of another person. However, even in this case, the civilly liable party remains a passive subject of the civil action exercised in criminal proceedings.

Not by accident—and rightly so—the legislator in criminal proceedings uses the term "**intervention**", a notion typical to civil procedure when the procedural framework is modified after the action has been initiated.

As for the term "**introduction**" into the case of the civilly liable party, we believe this terminology is inadequate and deficient. It was likely chosen to emphasize that the respective person is a third party to the criminal action.

We argue, however, that the expression of will to **hold the civilly liable party accountable** represents in itself a form of will to join the two actions, effectively amounting to a constitution as a civil party **against that third party**. The “introduction” of this third party does not alter the nature or effects of this procedural choice.

As long as the passive subjects of the civil action are those indicated in Art. 19(2) CPCr, one cannot claim that constitution as a civil party applies only against the defendant and not also against the civilly liable party. We do not believe that the introduction into the trial of the civilly liable party constitutes anything other than **a form of civil party constitution**. Moreover, Art. 20(3) CPCr makes no distinction in the content of the civil party’s constitution based on the passive subject.

Thus, constitution as a civil party applies **against all passive subjects** in the same manner, similar to a **statement of claim** in civil proceedings, including in terms of **passive procedural co-participation** derived from the provisions of Art. 59 CPC. In civil procedure, the notion of “introduction” into the case refers to the modification and extension of the procedural framework after the first hearing, for various reasons (e.g., the death of a party and the introduction of heirs, forced intervention, etc.). In contrast, **in criminal proceedings, the option regarding the passive subjects of the civil action must exist *ab initio*, forming the original framework of the civil action within the criminal trial.**

Until the moment the criminal action is initiated, one **cannot speak of a civil action** in criminal proceedings (as we will address when discussing the initial moment of civil party constitution). Only after the indictment is officially issued can the **option to join the civil action to the criminal trial** be expressed. Only by expressing this intention can the active subject (plaintiff) formulate claims **against the passive subjects** (the defendant and/or civilly liable party – defendants). Hence, only from the moment of exercising the civil action by constituting as a civil party do we have **parties to this action**: civil party (plaintiff), defendant and/or civilly liable party (defendants). This marks the **original framework** of the civil action in criminal proceedings.

The civil action thus retains a **distinct character** from the criminal action, a distinction that should not be disregarded. Therefore, regardless of the jurisdiction before which civil claims are brought, these particularities must be respected. The fact that the civilly liable person or party is external to the criminal action **does not mean** that the **unity of the civil action** should be disregarded, depending on the jurisdiction chosen.

In light of these considerations, we believe that *de lege ferenda* it would be appropriate to abandon the contested terminology.

3. THE MOMENTS OF CIVIL PARTY CONSTITUTION UPON REQUEST IN CRIMINAL PROCEEDINGS

3.1. General Notions Regarding the Constitution as a Civil Party

Constitution as a civil party can be defined as the expression of will by a natural person with full legal capacity or by a legal entity (through its legal representatives) harmed by an act that is the object of the criminal action, to be compensated for the material and/or moral damage suffered, by joining the civil action with the criminal action within the criminal proceedings, with the aim of holding the persons responsible under civil law accountable for the harm caused by the offense.

We use the term "harmed" because the terminology employed by the legislator (as outlined in Articles 19 and following of the Criminal Procedure Code) is permissive and non-exhaustive, leaving it to doctrinal and jurisprudential evolution to define and interpret the notion of "injured party" in national criminal proceedings. The French model is noteworthy in this regard, as the concept of "criminal victim" tends to overlap with that of "civil victim" from civil proceedings, without any justification for distinctions between the two types of litigation (I. Delean, in *Dreptul*, no. 5/2009).

In order for a person harmed by the act that is the object of the criminal action to be able to constitute as a civil party in the criminal proceedings, both **formal** and **substantive** conditions must be met (B. Micu, B. Slăvoiu, A. Zărafiu, 2020): formally, the will or option to seek compensation before the criminal jurisdiction must be expressed; substantively, the following must exist: an illicit act capable of producing material or moral damage; the damage must be certain both in terms of its existence and its extent, and must not have already been compensated.

In terms of content, the constitution as a civil party in criminal proceedings must meet the requirements laid down in Art. 20(2) of the Criminal Procedure Code: the **nature and amount of claims**, the **reasons** for them, and the **evidence** supporting them must be indicated. This echoes the summary provisions of Art. 194 of the Civil Procedure Code regarding statements of claim before the civil courts.

We believe that provisions such as Art. 20(2) and (4) of the CPCr could have been avoided through a more comprehensive formulation of Art. 19(5) CPCr. We propose wording such as: "*The reparation of damage and the civil action are governed by the rules of substantive and procedural civil law, unless otherwise provided*", or: "*Reparation of material and moral damages is subject to the provisions of civil law. The rules of civil procedural law apply to the extent they are not incompatible with the criminal procedural rules.*" This approach is also supported by the provisions of Art. 2(2) CPC, which functions as a general rule of judgment, stating that civil procedure applies in other legal matters unless otherwise regulated.

If the procedural civil law norms were not expressly mentioned, and only substantive law were invoked (as currently occurs in Art. 19(5) CPCr), we might encounter profoundly inequitable outcomes in resolving the same civil action depending on the jurisdiction chosen—essentially leading to inequality before the law. For example, in the civil component of the criminal case, individuals prohibited under Art. 315 CPC (e.g., certain relatives, interested parties, etc.) could be heard, due to the absence of such restrictions on witness eligibility in criminal procedure—suggesting an unintended derogation from civil procedural rules.

Thus, **in defending private interests within the civil action**, there should be no differentiation based on the jurisdiction in which claims are heard, nor should inequality, controversy, or inconsistent judicial practice be generated. There is no justification for the criminal trial to create, indirectly, a more favorable or less favorable situation for parties compared to what they would have encountered in civil proceedings.

A key procedural aspect of criminal law lies in the obligation of judicial bodies to **summon, inform, question, and record whether the injured party wishes to constitute as a civil party** (Art. 20 para. 1, 1¹, and 3 CPCr; Art. 111 para. 2 lit. d CPCr). Such an obligation does not exist in civil proceedings, where the plaintiff acts freely and independently in submitting their claim, without any official prompting. Therefore, criminal procedural provisions serve not only to give effect to the **principle of availability**, but above all, to **make the mixed system of combining criminal and civil actions accessible and functional for litigants**.

With respect to the **moment of constitution as a civil party**, which marks the start of exercising the civil action in criminal proceedings, a distinction must be made between two key temporal points: the **initial moment (a quo)** and the **final moment (ad quem)**—terms that apply regardless of whether the civil action is initiated upon request or ex officio (Art. 19(3) CPCr).

3.2. The Initial Moment (*a quo*) of Civil Party Constitution in Criminal Proceedings

The current legislation does not expressly specify the **initial moment** of civil party constitution in criminal proceedings in relation to the passive subjects of the civil action. The provisions of Art. 20(1) CPC, even those recently introduced by Art. 201(1¹) CPC, refer only to the **final moment** of exercising the option for the mixed system. Despite this omission, the initial moment under current regulation can be deduced by interpreting Art. 19(2) CPC, which states that the civil action is exercised against the defendant and, where applicable, the civilly liable party. The use of the term "defendant" and the provisions of Art. 82 CPCr lead to the conclusion that a valid and effective constitution as a civil party can occur **only after the initiation of criminal proceedings**. The same view is supported by legal doctrine (C.S. Paraschiv).

Doctrine has further argued that the exercise of the right of option presupposes the **simultaneous existence of the legal conditions** for both paths of asserting civil claims: that the criminal trial has

been initiated through the commencement of criminal proceedings, and that the injured person or their successors meet all the requirements for bringing a civil action (A. Crișu). In this way, the conditions required by both jurisdictions are harmonized to make possible the **very existence of the mixed system**, where both actions are joined within a single procedural framework.

Because the exercise of the civil action in the criminal trial is **conditioned by the initiation of the criminal action**, the civil action has an **accessory character** to the criminal one (B. Micu, B. Slăvoiu, A. Zarafiu).

Therefore, **civil party constitution** in current criminal procedure may validly occur either:

- during the **prosecutorial phase** (but only after the initiation of criminal proceedings, when the accused acquires the status of defendant), or
- during the **trial phase** (an option only partially preserved by the legislator).

This is clearly supported by the phrase *"until"* used in Art. 20(1) CPCr, and by the provisions of Art. 27(4) CPCr.

Nevertheless, we argue that **constitution as a civil party**, even if in a technically improper sense, may also be effectuated **through the criminal complaint itself** or at **any other moment prior to the initiation of criminal proceedings**.

We do not believe this constitutes prematurity or inadmissibility, since in tort law, the debtor is **automatically in default** from the moment of committing the wrongful act (Art. 1523 of the Civil Code, correlated with Art. 19(1) and (5) CPCr). Thus, we can consider that, in such cases, the assertion of civil claims is made under a **suspensive condition**, so that once the condition is fulfilled — namely, the criminal action is initiated — the **effects of the earlier civil party constitution are validated**.

Such an interpretation would be more beneficial than problematic, as it would enhance procedural efficiency, expedite proceedings, and support the right to a fair trial, including with respect to **prescription rules in civil matters**. We therefore believe it would be optimal to insert an **express legal provision** to this effect, further aligning Romanian criminal procedure with the **French legal system**.

It is not reasonable to render a prematurely expressed will ineffective, especially when it was clearly expressed and could help **avoid legal disputes**, particularly regarding the **statute of limitations for civil liability**, depending on the outcome of the criminal case.

This perspective is also supported by the French system, which serves as the model for Romanian procedural law. In French law, civil party constitution could occur in **two ways** (J.-C. Soyer, 1997):

- **Principal constitution** (before the initiation of criminal proceedings, via the victim's complaint), and
- **Accessory constitution** (after the initiation of public action), both of which are relevant in determining the **initial moment** of civil party constitution.

Similarly, according to French doctrine and jurisprudence (J. Laguier, Ph. Conte), a person who constituted as a civil party during the prosecutorial phase **retains this status during the trial phase** (except in cases of express withdrawal), and therefore **is not required to renew the declaration** of will.

3.3. The Final Moment (*ad quem*) of Civil Party Constitution in Criminal Proceedings

Under the former criminal procedural regulation, the *final moment* (*ad quem*) for constituting as a civil party in criminal proceedings was marked by the phrase "*until the reading of the indictment*", which signaled the beginning of the judicial investigation (Art. 322 of the former Criminal Procedure Code) (Gh. Mateuț, 2006).

The current legislation no longer uses that expression, specifying instead that such constitution can take place "*until the beginning of the judicial investigation*" (Art. 20(1) CPCr and Art. 353(3) CPCr). The start of the judicial investigation is no longer determined by the reading of the indictment but occurs at a later moment, associated with the **actual administration of evidence** before the trial court (Constitutional Court, Decision no. 257/2017).

One may question whether the provisions of Art. 20(1) or Art. 353(3) CPCr remain relevant or whether it would be appropriate to reconsider the final moment for civil party constitution in light of the Constitutional Court's decisions (e.g., Decision no. 641/2014) and their recent legislative reception (Art. 20¹ and Art. 21(1), Law no. 201/2023).

If the **only person held liable for compensating the damage** (material and/or moral) is the **defendant**, and there is no civil liability on the part of another person, then there are no strong arguments to revise the *ad quem* moment. Similarly, if the injured party or their successors, in full awareness, choose to **constitute as a civil party only against the defendant**, and not also against the civilly liable party, this falls within the **principle of availability** and the **non-compulsory nature** of passive procedural co-participation, typical of civil law (based on Art. 1349 and following of the Civil Code).

However, when **civil liability of a third party** is involved and considering the Constitutional Court's decisions regarding the preliminary chamber, the issue becomes more pressing.

By Decision no. 257/2017, the Court **declared unconstitutional** the provisions of Art. 21(1) CPCr, which stipulated that the introduction of the civilly liable party could be done at the civil party's

request **before the start of the judicial investigation**. The Court argued that the provision did not ensure a balance between fundamental rights and failed to guarantee the civilly liable party's right to submit requests and objections regarding the legality of the indictment and evidence during the preliminary chamber phase. Thus, the Court emphasized **access to justice** and **the right to defense**—both for the injured party and for the civilly liable party.

As a result, **introduction of the civilly liable party** had to occur **in the preliminary chamber**, effectively making this phase **mandatory** under the sanction of **forfeiture**—a concept imported from civil procedure (Art. 185 CPC, reflected in Art. 268 CPCr). This limited the civil party's **right of option**, rendering Art. 20(1) CPCr partially inoperative.

To avoid forfeiture, civil party constitution against **all passive subjects** of the civil action had to occur **prior to the judicial investigation**, given the importance of involving the civilly liable party. In practice, it is unlikely that a claimant would choose to act in a fragmented and delayed manner against different passive parties, as this would only complicate their procedural position.

To accommodate the Court's rulings, **Law no. 201/2023** introduced two significant changes:

- A revised **Art. 21(1) CPCr**, and
- A new **Art. 20(1')** CPCr, though **Art. 20(1) CPCr** itself was **not amended**.

Thus, **constitution as a civil party against a civilly liable third party** (which effectively constitutes the **exercise of the civil action**) can **no longer occur before the judicial investigation**, nor even during the **preliminary chamber**, but **strictly before the case is resolved by the prosecutor**.

In other words, under the new rules, civil party constitution for the purpose of involving the civilly liable party is **limited to the prosecutorial phase**, before the file is closed or sent to court. Only the prosecutor has the authority to resolve the case at this stage—such power does **not** exist during the preliminary chamber or trial phase.

In this light, we believe the provisions of **Art. 20(1) and (4) CPCr**, along with **Art. 111(1)(d)** and **Art. 353(3) CPCr**, should be reconsidered, as they are now outdated or inconsistent.

To comply with the new **deadline set in Art. 21(1) CPCr**, in line with **Art. 20(1')** CPCr, the **prosecutor is now required** to ask the injured party whether they wish to constitute as a civil party and request the introduction of the civilly liable party. This obligation conflicts with the unmodified provisions of Art. 20(1), Art. 111(1)(d), and Art. 353(3) CPCr.

There is **no reasonable legal basis** for establishing different deadlines to initiate the civil action against the defendant versus the civilly liable party, especially since:

- both are passive subjects of the same civil action;

- the civil action must remain **unitary**;
- litigants are **equal before the law**;
- the law must be **clear, foreseeable, and consistent**.

Therefore, if it was rightly decided that the civilly liable party must be involved during the **prosecution phase**, the **same rule should apply to the defendant**. Thus, **civil party constitution** should, *de lege ferenda*, be submitted **against all passive parties before the end of the prosecutorial phase**. This would require changes to **Art. 20(1)**, **Art. 111(1)(d)**, and **Art. 353(3) CPCr**. If the **prosecutor fails** to fulfill their obligations regarding civil party constitution, this failure should be grounds for **returning the case** during the preliminary chamber phase.

Moreover, such constitution during the prosecution phase must be **notified to all passive parties**, allowing them to be informed—similar to the **regularization procedure** in civil trials—thereby **guaranteeing the right to defense**.

If the civil party asserts claims only against the defendant (especially during the prosecutorial phase) and **not** against the civilly liable party, it is worth considering whether the **defendant could request the introduction of the civilly liable party** (similar to a third-party notice under Art. 72 CPC et seq.). We believe the answer is **yes**—the defendant, like the civil party, has an interest in this.

The civil party seeks to **maximize recovery** from multiple sources and minimize the risk of total or partial insolvency. Likewise, the defendant would prefer that any compensation paid be **recovered from the guarantor** or jointly liable party.

Therefore, *de lege ferenda*, the Criminal Procedure Code should also include an **express provision** allowing the **defendant to file a third-party notice** before the case is resolved by the prosecutor.

In such a situation, we could **justifiably refer to the 'introduction' of the civilly liable party** into the case, as this would be the result of a new procedural act by the defendant, modifying the original structure of the civil action. This **would truly represent the introduction of a new party** to the proceedings—again, in the role of **passive subject (defendant)**.

4. CONCLUSION

The integration of civil action into Romanian criminal proceedings exemplifies the **pragmatic logic** of the mixed procedural system: facilitating both the prosecution of crime and the compensation of victims in a unified legal framework. However, the effectiveness of this system relies heavily on **well-defined procedural rules** and a **balanced relationship** between the involved parties—injured individuals, defendants, and civilly liable third parties.

As the analysis has shown, the **legal basis and procedural rights** for constituting as a civil party require a careful balance between **flexibility** and **legal certainty**. While the legislator grants the injured party the **right—not the obligation—to seek civil redress in the criminal trial**, the procedural moments within which this choice must be exercised (from the initiation of criminal proceedings to the final admissible point before judicial investigation) must be clearly and coherently defined.

Moreover, the recent amendments introduced through **Law no. 201/2023**, as well as the jurisprudence of the **Constitutional Court**, underscore a pressing need for further legislative **harmonization**. In particular, discrepancies between procedural deadlines for claims against the defendant versus the civilly liable party undermine the **unity and equality of the civil action** and risk compromising procedural fairness and efficiency.

Consequently, this study advocates for a **reconsideration of the current procedural architecture**. Clear legislative provisions should regulate both the civil party's rights and the obligations of judicial bodies, especially the **prosecutor**, in identifying and notifying all potentially liable parties. Additionally, the **recognition of the defendant's right to file a third-party notice** would ensure a more comprehensive approach to liability and facilitate equitable outcomes.

Ultimately, preserving the **unitary character of civil action** within the criminal process is essential for upholding the rights of victims, ensuring effective judicial protection, and enhancing the overall **legitimacy of the justice system**.

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FACTORS AND CAUSES THAT FAVOR FEMALE CRIMINALITY

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ABSTRACT

Criminality is a particularly complex social phenomenon, shaped by a variety of economic, cultural, psychological, and legal factors. Over time, criminological research has predominantly focused on male criminal behavior, as men have traditionally represented the majority of offenders and incarcerated individuals. However, interest in the study of female criminality has increased over the past decades, reflecting the need to understand this specific aspect of deviant behavior, often overlooked in classical analyses of criminal phenomena.

Female criminality should not be viewed merely as a percentage within overall crime statistics, but rather as a phenomenon with distinct characteristics, influenced by particular social, psychological, and contextual factors. The motivations behind women's criminal behavior often differ from those of men, being closely linked to experiences such as domestic violence, personal trauma, substance dependence, economic hardship, or abusive relationships. Furthermore, the types of crimes committed by women, their frequency, and modus operandi may exhibit significant particularities that require a distinct criminological approach.

Female criminality represents a complex and sensitive subject whose analysis requires a deep understanding of the multiple dimensions involved: social, cultural, psychological, and legal. Unlike male criminality—which has been extensively studied and theorized—delinquency among women continues to be treated as a peripheral or deviant phenomenon in relation to the "norm" of criminal behavior.

KEYWORDS: *female criminality, social context, globalization, vulnerable positions, differentiated socialization*

J.E.L CLASSIFICATION: K42, J16, I31

1. INTRODUCTION TO THE ANALYSIS OF THE CAUSES OF FEMALE CRIMINALITY

Addressing the causes of female criminality requires moving beyond rigid explanatory models built primarily around male experiences. Historically, most criminological theories have interpreted criminal behavior from a gender-neutral perspective, overlooking the contextual and social specificities that shape women's experiences.

When these theories are applied without adaptation, they risk providing an incomplete or even distorted view of the motivations and trajectories behind female offending. For instance, focusing exclusively on the lack of material resources as a motive may obscure emotional, relational, or systemic pressures that deeply influence women's decisions in critical situations.

Beyond material deprivation, the lives of many female offenders are often marked by traumatic experiences, emotional neglect, and marginalization within society. Dysfunctional relationships, repeated abuse, dependence on controlling partners, or the absence of real life alternatives contribute to a buildup of psychological tension that, under certain circumstances, may lead to deviant behavior.

Crimes committed by women are often less driven by a desire for profit or dominance, and more by attempts to survive in a hostile environment, escape abusive relationships, or protect what they hold most dear—children, dignity, or the hope for a better life.

Therefore, the analysis of female criminality cannot be separated from a deep understanding of the social, cultural, and emotional context in which these women live. It is not simply about identifying "causes," but about carefully interpreting a complex reality in which crime sometimes emerges as a response—not ideal, but understandable—to a lack of options or the inability to break free from a vicious cycle.

This perspective offers not only a more humane understanding of the phenomenon but also the opportunity to build more effective solutions, focused on prevention, support, and real reintegration—rather than solely on punishment.

2. FACTORS THAT FAVOR FEMALE CRIMINALITY

To understand why certain women come to commit crimes, it is essential to explore the elements that favor such behavior. Unlike male criminality—where motivations may often be linked to competition or dominance—women's involvement in illegal acts is frequently influenced by difficult social conditions and complicated interpersonal relationships.

A decisive factor is the precarious socio-economic situation. Women facing severe material deprivation, unemployment, or limited access to education and social services may see crime as a temporary solution to meet urgent needs. These offenses are not driven by the desire for enrichment, but rather by necessity and survival.

The influence of family and relational environments plays a particularly important role. In situations where women live in abusive settings or are emotionally or financially dependent on their partners, they may be manipulated or coerced into participating in illegal activities. As a result, the line between victim and perpetrator often becomes blurred, and criminal behavior develops within a context of pressure and control.

Traumatic experiences in childhood or adolescence are another major element that contributes to women's vulnerability to crime. Abuse, neglect, or the loss of family support can lead to deep emotional disorders which, if left unaddressed, may encourage risky decisions and involvement in criminal acts.

In addition, societal expectations related to gender roles and cultural norms can create pressures which, if inadequately managed, can fuel the marginalization of women who do not conform. These women, often rejected by traditional social environments, may seek acceptance in deviant groups where criminal acts are seen as a form of validation or empowerment.

In conclusion, women's involvement in criminal activities is the result of a complex interplay of socio-economic, familial, psychological, and cultural conditions. Understanding this complexity is crucial for developing effective prevention and support strategies that address the real needs of women at risk.

3. INDIVIDUAL AND PSYCHOLOGICAL FACTORS

In understanding the causes of female criminality, it is crucial to focus on the individual characteristics and psychological elements that influence criminal behavior. These often stem from complex personal experiences that shape how women respond to life circumstances.

A frequently encountered factor is the impact of psychological trauma. Experiences of abuse—whether physical, emotional, or sexual—during childhood or within adult relationships can leave deep scars, affecting how women manage emotions and interpersonal connections. In some cases, criminal acts may emerge as an expression of inner pain or as an attempt to regain control that has been lost in other areas of life.

Mental health disorders such as anxiety, depression, or various forms of emotional imbalance are also often present in the lives of women involved in illegal activities. These conditions can impair their ability to make well-reasoned decisions and increase susceptibility to negative influences or impulsive actions.

Feelings of isolation and marginalization also play a significant role. Women who lack social and emotional support may be drawn to deviant groups where illegal behaviors are accepted or even encouraged. This dynamic highlights the close link between social environment and the predisposition to criminal behavior.

Finally, impulsivity and difficulties with self-control can be exacerbated by trauma or psychological imbalances, contributing to rash decisions made without proper assessment of risks or consequences.

In summary, understanding female criminality requires careful attention to the psychological and individual factors that not only trigger but also perpetuate criminal behavior. This underscores the need for personalized therapeutic interventions and comprehensive support systems aimed at reintegration and the prevention of recidivism.

4. SOCIAL AND ENVIRONMENTAL FACTORS

Social influences and the surrounding environment play a crucial role in shaping women's criminal behavior. These factors create a context in which certain situations and experiences can favor the adoption of deviant conduct. The family is one of the most important environments for socialization.

Women who come from unstable family backgrounds marked by conflict, violence, or neglect often face difficulties in developing a solid sense of emotional security and identity. Such contexts can lead to the emergence of vulnerabilities that increase the risk of engaging in illegal acts.

Precarious socio-economic conditions represent another major factor. Poverty, lack of access to education, and limited opportunities in the labor market can push women toward survival crimes such as theft or trafficking of goods. In such circumstances, criminality becomes a coping strategy in response to urgent needs and lack of resources.

Moreover, the influence of social groups is essential to understanding this phenomenon. Women embedded in deviant social circles may be continuously exposed to norms that justify or even encourage criminal behavior, making participation in such activities seem normal or even necessary for acceptance and support.

Additionally, cultural factors and societal norms regarding the role of women can create added pressures. Stereotypes and traditional expectations often stigmatize women who deviate from these models, amplifying feelings of social exclusion and complicating their reintegration after committing a crime.

Social and environmental factors offer a complex perspective on female criminality, highlighting the need for prevention and intervention measures that consider women's life contexts and the social networks in which they are embedded.

5. ECONOMIC AND EDUCATIONAL FACTORS

Precarious economic conditions and limited access to education play a key role in shaping women's criminal behavior. The lack of financial stability and the difficulty in meeting basic needs can lead to situations in which some women feel compelled to resort to crime in order to survive or cope with material pressures.

Women in vulnerable positions—such as those without a stable income or those burdened with family responsibilities without support—are particularly at risk of becoming involved in illegal acts in an effort to secure the resources needed for daily living. This economic pressure often leads to property-related offenses such as theft or fraud.

Additionally, a low level of education exacerbates this vulnerability, as inadequate training limits access to well-paid and stable employment. Without solid professional skills and knowledge, women's chances of achieving financial independence are significantly reduced, increasing their exposure to risk.

Moreover, education plays a vital role in raising awareness about the consequences of illegal actions and in developing the ability to cope with stress or personal conflict without resorting to deviant behavior. Women with higher levels of education generally have more resources to avoid criminal pathways.

Therefore, it is clear that economic and educational factors do not operate in isolation but rather interact and reinforce each other, significantly influencing women's decisions to engage in criminal acts. This underscores the need for integrated interventions that support both economic development and equal access to education for women, in order to prevent female criminality.

6. CULTURAL AND GENDER FACTORS

Social norms and gender role expectations play a crucial role in how women become involved in criminal behaviors and how they are judged by society. Historically, women have been perceived through stereotypes that associate them with gentleness, caregiving, and rule-following. Any deviation from these traditional roles often generates not only condemnation for the act itself but also harsh social criticism, deepening the stigma.

These cultural pressures can indirectly influence the reasons women commit crimes—for example, as a reaction to abuse, to protect their families, or to cope with difficult living conditions. Moreover, gender stereotypes affect both how women are treated within the justice system and the type of penalties applied—sometimes with excessive leniency, other times with disproportionate severity.

Furthermore, gendered socialization often leads women to engage in a distinct type of criminality, typically characterized by less violent acts and often tied to familial or relational contexts. Thus, cultural factors and gender norms not only shape criminal behavior but also influence the social and legal responses to female criminality.

To truly understand female crime, it is essential to include an analysis of cultural norms and gender constraints, so that we can design policies and measures that are more accurately tailored to the realities of this phenomenon.

7. SITUATIONAL AND CONTEXTUAL FACTORS

Female delinquency does not arise in a vacuum; it is often the result of specific, sometimes fleeting but deeply influential circumstances. Situational factors refer to immediate and unforeseen conditions—such as a sudden emotional breakup, a recent trauma, a personal economic crisis, or an episode of domestic violence—that can destabilize a woman's psychosocial balance and push her toward deviant behavior when no other options are perceived as available.

Likewise, the broader context in which a criminal act occurs—such as a tense family environment, lack of community support, proximity to normalized delinquent behavior, or social disorganization—acts as a matrix that amplifies individual vulnerabilities. In such environments, crime is not necessarily a conscious choice but rather an adaptive response to an oppressive climate.

In many cases, women become involved in criminal acts not through personal initiative but as a result of imbalanced personal relationships, where dynamics of power, emotional dependence, or manipulation play a determining role. Thus, a significant portion of female criminality is deeply connected to relational and social circumstances rather than internal predispositions or stable traits.

The situational and contextual perspective on female criminality emphasizes the idea that not only personal characteristics, but also concrete circumstances and living environments, can shape criminal behaviors in ways that are often subtle yet decisive.

8. CUMULATIVE AND INTERDEPENDENT FACTORS

Women's criminal behavior cannot be understood through the lens of a single causal factor. Rather, it results from a gradual process in which multiple elements—personal, social, economic, and cultural—intertwine and reinforce each other. Once combined, these factors do not simply overlap; they form a complex equation in which each element modifies its significance and impact depending on the others.

For instance, early traumas such as emotional abuse or parental neglect can lay the foundation for psychological instability, which, in the absence of social or educational support, may deepen over time. If material deprivation, negative influences from the social environment, or co-dependent relationships are added to this fragile structure, a fertile ground is created for deviation from legal norms. In this context, crime does not appear as an isolated act of will, but rather as an extreme response to compounded pressures, leaving little room for viable alternatives.

Each factor—whether psychological, social, or economic—varies in its weight depending on the timing of its occurrence and the interaction with other active elements. Moreover, their interplay often triggers a domino effect, in which a seemingly minor issue can lead to a cascade of major imbalances.

This cumulative and interdependent perspective is essential to genuinely understand female criminal behavior. It is not a matter of a simple choice between legal and illegal, but rather a network of constraints, influences, and personal vulnerabilities that, together, can progressively direct a woman toward criminality. Therefore, analyzing these synergies sheds light not only on the real causes of female crime but also on effective and personalized points of intervention in social policy.

9. CONCLUSIONS ON THE ETIOLOGY OF FEMALE CRIMINAL BEHAVIOR

Exploring the complexity of female criminal behavior leads us to the conclusion that it cannot be reduced to simplistic or uniform explanations. The etiology of deviance among women results from a dynamic interaction of individual, social, cultural, economic, and contextual factors, each carrying different weight depending on the life trajectory of each individual.

Women who end up committing crimes are often the product of a social system that has marginalized them, limited their opportunities, and exposed them to various forms of vulnerability.

Unlike traditional models that assume rational choice or autonomous criminal intent, reality shows that many criminal behaviors among women are rooted in circumstances of coercion, survival, or emotional pressure.

For example, involvement in abusive relationships, lack of family support, childhood trauma, or limited access to education can become links in a causal chain that fosters deviance.

Classical criminological theories—such as social control theory, differential association, or subcultural theory—offer a useful framework but are not always sufficient. Therefore, incorporating contemporary theories such as feminist, victimological, and trauma-informed approaches becomes essential in interpreting female criminal behavior in a contextualized and balanced manner.

These perspectives not only add depth to the analysis but also challenge outdated stereotypes that portray female offenders either as "absolute deviants" or passive victims of circumstance.

Another crucial aspect revealed by theoretical synthesis is the cumulative and interdependent nature of the factors that lead to criminal acts. Rarely does a single element—such as material deprivation or psychological trauma—suffice to produce illegal behavior. More commonly, we observe a pattern of overlap between personal struggles and external pressures that, in the absence of adequate intervention, may drive individuals toward deviance.

Ultimately, we can assert that the etiology of female criminality reflects systemic inequalities, personal vulnerabilities, and imbalanced power relations. A profound understanding of these causes should not remain merely an academic exercise but should underpin the reform of penal and social policies—promoting responses that combine firmness with empathy, and prevention with real support. In this way, an integrated, gender-sensitive approach, tailored to social realities, becomes the key to authentic and inclusive justice.

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