

THE ROLE AND DUTIES OF THE ROMANIAN HIGH COURT OF CASSATION AND JUSTICE AT ITS 160 YEARS OF EXISTENCE

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Abstract

The purpose of this article is to present the role and duties of the Romanian High Court of Cassation and Justice at its 160 years of existence, an emblematic institution for the Romanian legal system. One should also not forget its representation role of the Romanian justice at the European and international level. In the current context, the Romanian High Court of Cassation and Justice is consolidating its status as a fundamental part of the national legal system.

Keywords: *role, duties, Romanian High Court of Cassation and Justice, existence.*

1. INTRODUCTION

Established by the law of January 12, 1961, which was implemented on March 15/28, 1862 (ICCJ, n.d.), the Romanian High Court of Cassation and Justice represents the Supreme Court of Romania which achieves the unitary interpretation and application of the law by the other courts, according to its competence. Its headquarters is in Bucharest, although there was some pressure to choose the city of Iasi (DUȚU, 2005). The people of Iasi perceived the movement of this institution in the capital of Moldova as a "moral satisfaction" (BENEA, 2021). The High Court of Cassation and Justice contributed to the process of building the modern Romanian state by modernizing and unifying the justice system. Also, it ensures the European and globe "interface" of national justice (ICCJ, n.d.).

2. THE ROLE OF THE HIGH COURT OF CASSATION AND JUSTICE

The High Court of Cassation and Justice has to represent a model. The judges of the supreme

court have to have certain moral and professional qualities. That is why the Supreme Council of Magistracy has clear and adequate criteria on this matter, such as: 1. The principle of competence; 2. The principle of promoting the fundamental rights and freedoms enshrined in the Constitution and in the international documents to which Romania is part of; 3. The principle of promoting and protecting the independence of the Judiciary; 4. The principle of transparency; 5. The principle of involving judges from all over the country. Candidates should be assessed according to criteria such as: experience in solving complex causes; procedural discipline; integrity; knowledge and use of the judicial practice of the European Court of Human Rights; the coherence and clarity of argumentation; independence and impartiality; ongoing training and interest in legal research.

The role of the High Court of Cassation and Justice in shaping a unitary practice is perhaps the most important. Ensuring a unified interpretation of the law is especially important in building the trust that underlies the principle of mutual recognition by foreign courts (DUȚU, 2007).

3. THE DUTIES OF THE HIGH COURT OF CASSATION AND JUSTICE

In Romania, the High Court of Cassation and Justice currently has duties both in terms of the judicial activity and in carrying out other important activities that ensure compliance with the law and the Constitution.

As a court of law, it oversees the correct and unitary application of the laws by all courts in resolving ordinary appeals in a large number of cases, then in appealing for annulment - an

extraordinary remedy - and in resolving appeals in the interest of the law and at the request of the General Prosecutor, ruling on issues of law resolved differently by various courts. At the same time, it also has a special jurisdiction in the first instance and appeal of criminal proceedings against certain people holding public offices or public dignity.

Also, as a court, in a Panel of 9 judges, it has a special attribution, namely, the resolution of appeals against the decisions pronounced by the Superior Council of Magistracy or by the Disciplinary Commission of the Public Ministry, by which disciplinary sanctions were applied to magistrates (VRABIE., 2004).

Another important duty of the Supreme Court of Justice is that of referring to the Constitutional Court to rule on the unconstitutionality of certain laws before their enactment.

4. CONCLUSIONS

In conclusion, one can state that in Romania, the High Court of Cassation and Justice has the role of defining a unitary practice and that its main duties are to supervise the judicial activity, as well as the accomplishment of other important

activities through which the observance of the laws and of the Constitution is ensured. In addition, it may refer the matter to the Constitutional Court for a ruling on the unconstitutionality of certain laws before their enactment.

The High Court of Cassation and Justice proved its usefulness throughout the years, as a fundamental part of the Romanian legal system.

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