

THE REFORM OF THE ROMANIAN JUSTICE IN THE POST-COMMUNIST PERIOD BETWEEN PROMOTERS' ENTHUSIASM AND CITIZENS' DOUBTS

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The reform of the Romanian justice after the totalitarian period has constituted an integrated part of the social reform.

The action of reforming the Law in Romania has had a purpose the adoption of a new Constitutional Law, the reorganization of the juridical power, modifications of the Criminal and Criminal Procedure Laws, as well of the Civil and Civil Procedure Laws and others.

In the long run though, the reform promoters' enthusiasm and optimism has diminished 'thanks' to the citizens' attitude of distrust towards the justice as an institution.

Opinion surveys performed by specialists during the years 1995-1999 have reflected an alarmingly bad situation – since more than a half of the Romanian population had only 'little' or 'very little' confidence in Law: 51.1% in 1995; 49% in 1996; 53,5% in 1997; 63,5% in 1998; 70% in 1999 and 77% in 2000.

Even more alarming there has proved to be the fact that – during the above-mentioned period of time – the administration of justice went from bad to worse. The fact leads to the dramatic fall of the citizens' confidence in this fundamental state institution.

And yet this lack of confidence in Law, in justice, is not an isolated phenomenon. It reflects, when deeply analyzed, the completely wrong and in-just way the administration of justice is achieved in Romania.

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Justice, as fundamental requirement of human spirit was and still is to be found as basis of any society. 'Justice' – as defined by professor Paul NEGULESCU – weighs dramatically in any society. That is why it has been considered the very basis of a society: *justitia est regnorum fundamentum*¹.

Yet, the role of justice in a democratic society and in the rule of law is much larger than that, here the observation of the human rights and fundamental liberties expressing, in fact, the very definition of the above.

¹ Paul NEGULESCU, *Course of Constitutional Law*, issued by Alex. Th. DOICESCU, Bucharest, 1927
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