

THE CONSTITUTIONAL AND LEGAL REGIME OF THE LIABILITY OF THE PRESIDENT OF ROMANIA. THE CONSTITUTIONAL COURT CASE-LAW

Oana Șaramet, Assist. Prof., PhD, "Transilvania" University of Brașov

Abstract: Following the example settled by the French Constitution and the constitutions of other states that have been inspired and have adopted a similar political regime, the Romanian Constitution took over in its provisions some of the specific features of a parliamentary regime, including the consecrated constitutional principle of irresponsibility in the performance of the chief of state. In this respect, Art. 84 paragraph (2) in conjunction with Art. 72 paragraph (1) of the Constitution settle that the chief of state enjoys immunity and can not be held accountable for his votes or political opinions expressed in exercise of the mandate. On the other hand, Art. 95 and Art. 96 of the Constitution settle the two forms of liability of the Romanian President, namely the political liability and the criminal liability, penalizing the chief of the state for committing grave acts that violate the fundamental law and for committing an act described as "high treason. This option in regulating chief of state liability has raised many and varied interpretations, the constitutional practice and the Constitutional Court case-law being particularly relevant especially for the political liability of the President, since the Romanian constitutional legislator chose not to define any of the two categories mentioned before. However, the difference between the two in terms of severity, content of both facts and procedural aspects of employment of any of these forms of liability of the President is obvious.

Key words: liability, immunity, advisory opinion, chief of state, Constitutional Court, new Criminal Code.

Similarly to the French Constitution of 1958, as well as to the constitutions of other states that have been inspired and have adopted a similar political regime, the Romanian Constitution "took over in its provisions some of the specific features of a parliamentary regime, including the consecrated constitutional principle of irresponsibility in the performance of the functions" by the chief of state¹.

In this respect, art. 84 paragraph (2) in conjunction with art. 72 paragraph (1) of the Constitution settle that the chief of state enjoys immunity and cannot be held accountable for his votes or political opinions expressed in exercise of his mandate. The President's immunity, along with the incompatibilities provided by the art 84 paragraph (1), can be considered as "means of protection of the presidential mandate", by means of which "the guarantee of independence and probity of the President in the performance of his function" is also ensured². In this respect the Constitutional Court delivered the Decision no. 53 of January 28th, 2005, regarding the requests to solve the juridical conflict of constitutional nature between the Romanian President and the Parliament, filed by the president of the Chamber of deputies and by the president of the Senate, published in the Official Journal, Part I, no. 144 of February 17th, 2005, when he underlined that the Romanian President is also entitled, by virtue of art. 84 paragraph (2), to the right to express political opinions. It has also been specified that, taking into account that each candidate for the position of Romanian President proposes to the electorate a political doctrine, a programme for whose fulfilment he will act throughout his mandate, if elected, although art. 84 paragraph (1) of the Constitution provides certain incompatibilities with the position of President, it is impossible to exclude the possibility to continue expressing political opinions, engagements and objectives

¹ H. Portelli, *Droit constitutionnel*, Paris, Dalloz Publishing House, 1999, p. 185

² I. Deleanu, *Instituții și proceduri constituționale în dreptul comparat și în dreptul român*, București, Editura C.H. Beck, 2006, p. 632

presented in his electoral platform, or to militate and act for their fulfilment, while observing the constitutional prerogatives. However, as pointed out by the Constitutional Court by the same decision, expressing these political opinions does not have to prejudice to the provisions of art. 30 paragraph (6) and (7) in the Constitution.

We must not exclude the fact that this immunity concerns only those facts performed by the president during and in the exercise of his mandate, in all the other circumstances, even him is be liable by virtue of the constitutional principle of equality in rights, as any other citizen.

With reference to these specifications, we must not consider that there is equality between the President's irresponsibility and a monarch's inviolability³. The Romanian doctrine appreciates that in the monarch's case the term "irrevocability" can also be used, to express the fact that he cannot be dismissed, his powers being for life and hereditary, being transferred to his inheritors⁴. Although these doctrinaire specifications refer to the Romanian monarchy during the Constitutions of 1866, 1923 and 1938, similar provisions are found in the current constitutions of the states consecrating a constitutional monarchy.

Thus, the provisions of art.56 paragraph (3) in the Spanish Constitution provides that the King's person is inviolable and not submitted to liability. Concurrently, the authentication, the countersigning is mandatory for all Royal acts, by virtue of which authorities such as the Government president, competent ministers or even the president of the Congress of Deputies will take responsibility for the King's acts⁵.

Monarch's inviolability implies that he is not liable even for his personal acts, as well as for the cases of high treason, and it is this inviolability precisely that imposes the countersigning of his acts by the Prime Minister or by a competent minister, who will take responsibility for them.

Furthermore, the outlining of the Monarch's inviolability principle, which also covers the aspect of his irresponsibility, its use by the states, subsequently included in their constitutions, as well as the introduction of ministers and of the cabinet, have imposed the institution of the ministers' liability, thus being created the institution of impeachment. The fathers of the Constitution of the USA, although they preferred to hand the entire executive power to a single person, namely to the President of that state, who is at the same time the chief of state as well as the chief of the executive, they did not want to create this institution according to the model of the absolutist monarchies. To achieve this, they adapted the institution of impeachment so that in the event of "treason, bribing and other crimes and misdemeanours", according to the paragraph 4 of art. 2 in the Constitution of USA, the president can be impeached, convicted and consequently dismissed⁶.

Judging by the expression of the constitutional norm itself we can observe, aspect ascertained even by the doctrine, that the impeachment is similar to a conviction in a criminal trial, namely a set of accusations against a person and which, in the case of the US President, is even voted by the Chamber of Representatives⁷.

Subsequent constitutions having embraced the republican form of government have consecrated the liability rule to the President of republic either for committing criminal acts, or for committing certain acts of infringement of the Constitution or the law, or for

³ P. Negulescu, *Curs de drept constituțional*, Bucharest, Alex. Th. Doicescu Publishing House, 1928, p. 426 - 427

⁴ Ibidem

⁵ F. Balaguer Callejon, coordinator, *Manual de derecho constitucional*, Madrid, Tecnos Publishing House, 2006, vol. II, p. 365 - 366

⁶ J.Q. Wilson, *American Government. Institutions and Policies*, Los Angeles, Harvard University and University of California, 1986, p. 353

⁷ Idem, p. 354

committing both categories of facts. Thus, for instance, art. 113 of the Constitution of Finland provides criminal liability of the Finnish President if the Justice Chancellor, the Ombudsman or the Government consider that the president of the Republic is guilty of treason, or high treason, or of a crime against humanity, any of them being able to inform the Parliament for the starting of a specific procedure. By contrast, the Slovenian Constitution provides in the art.109 that if the president, in exercise of his function, commits a violation of the Constitution, or a severe law infringement, he can be impeached by the National Assembly before the Constitutional Court. However, the art.90 paragraph (1) of the Italian Constitution provides that the president is not liable for the acts committed during the exercise of his function, except for the act of high treason or the violation of the Constitution.

The Romanian constitutional legislator preferred the latter. Thus, art. 95 and Art. 96 settle two forms of liability of the Romanian President, namely the political liability and the criminal liability, penalizing the chief of the state for committing severe acts that violate the fundamental law and for committing an act described as "high treason". The Romanian Constitution, similarly to most constitutions, does not define any of the two aforementioned categories, the difference between the two in terms of severity, content of both facts and procedural aspects of employment of any of these forms of liability of the President being obvious.

We believe it is necessary to also underline that even in the states which do not consecrate the form of the political liability of the President, the doctrine "pleads" for the its consecration. Thus, in the French Republic, several acts of the President are excluded from being countersigned by the Prime Minister, and for these acts, the existence of a political liability of the chief of state is necessary, especially is he is elected by universal vote by the voting citizens. Although until 1969 an "engagement of political liability" has been practiced, the taking of such an engagement belonged to the President precisely because no constitutional text had provided anything in this matter⁸.

Given the complexity of the aspects related to the nature of the acts committed by the President for which he can be impeached, we will focus in the next chapters on their analysis.

From the very beginning, we would like to mention that we believe that both sets of acts - "severe acts of violation of the Constitution" and "the high treason" – have a double meaning, political as well as legal. However, while the "severe acts of violation of the Constitution" can be considered under legal aspect as having the legal nature of "administrative violations, infringements of the state discipline, but committed by the President in the exercise of a political mandate", in the case of the act of "high treason" their criminal nature cannot be omitted⁹. Moreover, in the establishment of any of the acts committed by the President in the exercise of his function, as being a severe act of violation of the Constitutional provisions, the severity of the act will have to be taken into consideration. Thus, the Constitutional Court of Romania, by means of the Advisory note no. 1 of April 5th, 2007 regarding the proposition to dismiss the Romanian President, Mr. Traian Băsescu, published in the Official Journal, Part I, no. 258 of April 18th, 2007, underlined the fact that the severity of the fact "is appreciated in relation to the value of the damage, as well as to its damaging consequences, caused or potential, to the means used, to the person of the author and not lastly, to his subjective stance, to the purpose for which he committed the act". One of the main principles of the law states that "who can do more, can also do less" reason for which in defining the concept of "high treason", act more severe than the aforementioned, severity under all its aspects will be the central element. Although the regulation of a special and specific constitutional regime for the criminal liability of the President is justified by the

⁸ J.P. Jacqu , *Droit constitutionnel et institutions politiques*, Paris, Dalloz Publishing House, 2003, p. 150

⁹ A. Iorgovan, *Tratat de drept administrativ*, Bucharest, All Beck Publishing House, 2005, vol.I, p. 334

fact that the President, along with the members of the Parliament and the judges of the Constitutional Court, enjoy Parliamentary immunity, we believe that the fact able to establish the engagement of this liability has a complex content which cannot be restricted to what our criminal legislation and the Criminal code define as crime of treason (art. 155), treason by helping the enemy (art. 156) and treason by disclosing secrets (art. 157).

Moreover, the doctrine underlined that this concept of “high treason” belongs to the constitutional and administrative law, but can also have a meaning in the criminal law, being defined as “the most severe violation of the oath and of the people’s and country’s interest, in the exercise of the presidential functions”¹⁰.

The Romanian criminal code provides, in art. 8, only the jurisdiction immunity, without regulating immunity in general. Consequently, the doctrine has appreciated that, given that art. 72 paragraph (1) in the Constitution regulates the Parliamentary immunity according to which the members of the Parliament are not criminally liable for the votes or the opinions expressed during their mandate, for the other facts not related to any of these votes, or to the opinions expressed, the members of the Parliament should thus be liable according to the conditions established by the Criminal code and the Criminal procedure code¹¹.

However, the same art. 72 paragraph (1) imposes four conditions in relation to their criminal liability, limitations which do not exist when a flagrant crime is concerned, when the ministry of justice is only bound to inform, without any delay, the president of the Chamber of which the parliamentarian is a member, about these measures. Also, under art. 84 paragraph (2) of the Constitution it is specified that the Romanian President enjoys immunity, underlining only that the provisions of art. 72 paragraph (1) apply accordingly.

The doctrine emphasized that the legislator should have been more explicit regarding the immunity of the president¹². The elusive content of the constitutional provision, art. 84 paragraph (2), allows us to ask ourselves what are the facts for which the president enjoys immunity, but also the period affected by the immunity, if it coincides with that of the mandate or if it precedes or succeeds it. The doctrine pointed out that as far as immunity of the chief of state is concerned, the only correct interpretation should take into account that the latter enjoys this immunity for all acts, except for high treason. This appreciation should assume that, as far as the Romanian President is concerned, immunity covers the acts committed prior to the acquiring of the mandate, as well as after it, except for the acts committed during the mandate, but also in its exercise¹³.

Although our judicial practice considers that Parliamentary immunity is a reason for discontinuance of the limitation period of the criminal liability, the limitation period starting from the date immunity was lifted, the doctrine denied this statement. Not considered as a reason for exoneration of the criminal liability, immunity, is the case of the President as well, cannot be absolute¹⁴. Thus, it is underlined that during the mandate, as regarding the acts other than those committed in the exercise of the mandate, a criminal action cannot be filed against the President, nor can a criminal prosecution be pursued.

¹⁰ A. Iorgovan, *Tratat de drept administrativ*, Bucharest, All Beck Publishing House, 2005, vol.I, p. 334; M. Constantinescu, I. Deleanu, A. Iorgovan, I. Muraru, F. Vasilescu, I. Vida, *Constituția României – comentată și adnotată*, Bucharest, Regia Autonomă “Monitorul Oficial” Publishing House, 1992, p. 193

¹¹ O. Rădulescu, P. Rosenberg, A. Tudor, *Probleme controversate privind răspundere penală a demnitarilor*, Law Revue no.11/2008, pp. 218, Bucharest, Romania, 2007

¹² I. Muraru, S. E. Tănăsescu, *Drept constituțional și instituții politice*, Bucharest, All Beck Publishing House, 2006, vol. II, p. 248

¹³ S. E. Tănăsescu, coordinator, *Studii juridice. Răspunderea în dreptul constituțional*, Bucharest, C.H. Beck Publishing House, 2007, p. 6

¹⁴ O. Rădulescu, P. Rosenberg, A. Tudor, *Probleme controversate privind răspundere penală a demnitarilor*, Law Revue no.11/2008, pp. 220, Bucharest, Romania, 2007

With reference to the aforementioned, we consider that the, *de lege ferenda*, a reconsideration of the constitutional text is mandatory, in order to avoid a restrictive, incorrect and even tendentious interpretation of the provisions regarding the liability of the chief of state. Thus, the constitutional text should expressly provide in this case as well, that he cannot, either during or after the termination of the mandate, be liable for the political opinions and the votes expressed during the mandate.

On the other hand, once the mandate is started and until its termination, he is liable for the acts committed prior to the mandate. Thus, the limitation period is not discarded, but only discontinued. The termination of the mandate will enable the starting or the resuming of the criminal prosecution, according to the case. The chief of state will be liable as any citizen for acts of any nature committed prior or subsequently to the presidential mandate, the liability not being engaged during the mandate, when immunity is in force.

For the acts committed during the mandate, we believe that a future amendment of the Constitution should distinguish between these two situations. Thus, for committing severe acts violating the provisions of the fundamental law, as well as for committing the act of high treason, the liability of the chief of state will be engaged according to the terms of the procedure as expressly provided for by Constitution itself. Therefore, for other acts that are not committed in the exercise of the function, such as manslaughter as a result of car accident, he will be liable according to the procedure provided for by the legislation in force applicable to any citizen. However, for such facts, the chief of state can only be impeached after the termination of his mandate.

Also, we can see that from the procedural aspect, both forms of liability of the President imply two stages. In the case of the political liability these are: the suspension of the President by the Parliament and his dismissal by referendum¹⁵. The two stages of the criminal liability are: the impeachment – political stage in which the competence belongs to the bodies of the judicial authority – the Prosecution service of the High Court of Cassation and Justice – the judicial stage (technical-judicial)¹⁶. In relation to constitutional provisions, we believe that a revision of the Constitution should also provide the sanctioning of the Parliament, by the *de jure* dissolution when, following the referendum, the president is not dismissed. We also believe that it is opportune to regulate the interdiction of running for a new presidency mandate, in addition to the one suspended as a result of the referendum.

Last but not least, we believe that we cannot disregard the transforming of the Constitutional Court's note from an advisory note to an approval note, thus enabling the stemming, or at least the decrease of political games, more or less behind closed doors. On the other hand, increasing the value of this note would increase the liability of the Constitutional Court in the analysis of the constitutionality of the proposal to dismiss the Romanian President.

In support of these last considerations, we mention certain appreciations made by the Constitutional Court in the Advisory note no. 1 of July 6th, 2012 regarding the proposal to dismiss the Romanian President, Mr. Traian Băsescu, published in the Official Journal, Part I, no. 456 of July 6th, 2012, appreciations we believe to be lapidary or incomplete by not underlining the Constitutional Court's stance, or even dissimulating the avoidance of stating the Court's opinion and leaving this task to another authority. According to the Constitutional Court's advisory note of July 2012, for instance, regarding the President's statements related to the Roma community and his sanctioning by the National Council for Combating Discrimination, it is not the Court that will express its opinion. According to the appreciation of the same constitutional institution, it is the duty of the Parliament to decide, based on the

¹⁵ I. Deleanu, *Instituții și proceduri constituționale în dreptul comparat și în dreptul român*, Bucharest, C.H. Beck Publishing House, 2006, p. 633

¹⁶ A. Iorgovan, *Tratat de drept administrativ*, Bucharest, All Beck Publishing House, 2005, vol.I, p. 337

data and the information presented during the debates, on the existence and the severity of these facts.

Also, although we can identify certain actual facts taking the form of certain conflicts with the other political actors, and certain statements of the President are described as political opinions, for which he remains liable, only from the political and moral perspective, before the electorate and the civil society, the Court avoids to qualify any of the committed acts included in the category of severe facts by means of which the provisions of the Constitution are violated.

Recently, by the passing of the new Criminal Code on February 1st, 2014¹⁷, specifically article 398 of Title X - Crimes against national security, the article being called “high treason”, it is expressly stated that if the deeds regulated in articles 394-397 of the same law¹⁸ are committed by the President of Romania, the crime is high treason, the punishment being life imprisonment or imprisonment from 15 to 25 years and the prohibition of some rights.

By the present regulation, the lawmaker has answered a doctrine debate found especially in constitutional law much more than in criminal law, regarding the facts that are targeted by the provisions of article 96 of the republished Romanian Constitution, a constitutional text which regulates the criminal liability of the President of Romania as stated above. Since the text fails to identify certain potential deeds committed by the President of Romania in his present quality and his deeds could be legally classified as high treason, doctrine speculation arose from the fact that committing treason, as regulated by the previous Criminal Code, by the President of Romania by using his quality of president, is nothing more than an aggravated circumstance, thus the deed can be classified as high treason. Another part of the doctrine appreciated that, since the provisions of the Criminal Code did not expressis verbis regulate high treason, it will be the duty of the Constitutional Court of Romania to legally classify the deeds committed by the President of Romania as having all necessary elements of the crime of high treason; the quality of president of the person who commits the crime allows for the classification of the crime as being that of high treason.

An argument in favor of this solution considered the obligation of the Constitutional Court to give an advisory opinion in case the political liability of the President is engaged, under the conditions stated by article 95 of the republished Romanian Constitution, in which case the court also has the duty to appreciate if the deeds committed by the President could also represent high treason; the Constitutional Court should be informed in order to express its opinion regarding the nature of those deeds. This solution is still under debate, as the constitutional provisions do not regulate that it is mandatory to inform the Constitutional Court for an advisory opinion, following a procedure similar to that in which it is believed the president violated the constitution.

A part of the doctrine even stated that, while there are no express constitutional regulations regarding the elements of the crime of high treason, as well as the fact that the previous Criminal Code did not regulate this crime, the provisions of article 96 of the Romanian Constitution will not apply; we do not share this opinion.

As a consequence, we appreciate that the new criminal regulations, specifically article 398, corroborated with articles 394-397 of the new Criminal Code eliminates all of the above

¹⁷ Law no. 286/2009 – Criminal Code, published in Official Bulletin of Romania, Part I, no. 510 of July 24th 2009, which was modified by Law no. 27/2012, published in Official Bulletin of Romania, Part I, no. 180 of March 20th 2012, Law no. 63/2012, published in Official Bulletin of Romania, Part I, no. 258 of April 19th 2012, and Law no. 187/2012, published in Official Bulletin of Romania, Part I, no. 757 of November 12th 2012.

¹⁸ Art. 394 from Criminal Code regulates the crime of treason, art. 395 – the betrayal by transmission state intelligence, art. 396 – the betrayal by helping the enemy, iar art. 397 – actions against the constitutional order.

speculations, as the crimes committed by the President of Romania for which he will held criminally liable are clearly stated in article 96 of the republished Romanian Constitution.

We believe it is necessary to state that, in our opinion, committing any of the crimes stated in articles 394-397 of the new Criminal Code, can engage the criminal liability of the President of Romania according to article 963 of the Constitution because these deeds are committed by the person who holds this quality, but not just at the time when he participates in the meetings of the Supreme Defence Council meeting, whose acting president he is, as it might wrongfully be deduced from the provisions of article 398¹⁹ of the criminal code.

We also believe it is necessary to define the crimes committed by the President of Romania which violate the Constitution, by revising this act, or by creating a future Administrative Code or another law. Indeed, the Romanian Constitutional Court, by its advisory opinions, elaborated under the provisions of article 95 of the revised constitution, has created another definition, but we believe that the political - jurisdictional quality of the Constitutional Court can positively influence the constitutional practice in this area.

Bibliography

1. D. Apostol Tofan, *Instituții administrative europene*, C.H. Beck Publishing House, Bucharest, 2006;
2. D. Apostol Tofan, *Puterea discreționară și excesul de putere al autorităților publice*, All Beck Publishing House, Bucharest, 1999;
3. D. Apostol Tofan, *Drept administrativ*, vol. I, All Beck Publishing House, Bucharest, 2004;
4. F. Balaguer Callejon (coordinator) and others, *Manual de derecho constitucional*, vol.I, Tecnos Publishing House, Madrid, 2006;
5. F. Balaguer Callejon (coordinator) and others, *Derecho constitucional*, vol.II, Tecnos Publishing House, Madrid, 2003;
6. G. Burdeau, F. Hamon, M. Troper, *Droit constitutionnel*, L.G.D.J. Publishing House, Paris, 1995;
7. J. Cadart, *“Institutions Politiques et Droit constitutionnel”*, vol. I, Economica Publishing House, Paris, 1990;
8. C. Călinoiu, V. Duculescu, *Drept constituțional comparat*, Lumina Lex Publishing House, Bucharest, 2005;
9. R. Carp, *Responsabilitatea ministerială*, All Beck Publishing House, Bucharest, 2003;
10. P. Catterall, W. Kaiser, U. Walton-Jordan, *Reforming the Constitution*, Frank Cass Publishing House, Londra, 2000;
11. M. Constantinescu, I. Deleanu, A. Iorgovan, I. Muraru, F. Vasilescu, I. Vida, *Constituția României – comentată și adnotată*, Regia Autonomă „Monitorul Oficial” Publishing House, Bucharest, 1992;
12. M. Constantinescu, A. Iorgovan, I. Muraru, S. E. Tănăsescu, *“Constituția României revizuită – comentarii și explicații”*, All Beck Publishing House, Bucharest, 2004;
13. Ch. Debbach, J. Bourdon, J.M. Ponter, J.C. Ricci, *Droit constitutionnel et institution politiques*, Economica Publishing House, Paris, 1990;
14. I. Deleanu, *“Instituții și proceduri constituționale în dreptul comparat și în dreptul român”*, C. H. Beck, Bucharest, 2006;

¹⁹ According to art.398 of the new Criminal Code, the facts provided in art.394-397, committed by the President of Romania or by another member of the Supreme Council of National Defence, constitute the crime of high treason and is punishable by life imprisonment or imprisonment from 15 to 25 years and deprivation of certain rights.

15. M. Duverger, *Les régimes semiprésidentiels*, P.U.F. Publishing House, Paris, 1986;
16. A. Iorgovan, *Tratat de drept administrativ*, vol.I, All Beck Publishing House, Bucharest, 2005;
17. A. Iorgovan, *Tratat de drept administrativ*, vol.II, All Beck Publishing House, Bucharest, 2005;
18. J.P. Jacqué, *Droit constitutionnel et institutions politiques*, Dalloz Publishing House, Paris, 2003;
19. A. Lijphart, *Modele ale democrației. Forme de guvernare și funcționare în treizeci și șase de țări*, Polirom Publishing House, Iași, 2000;
20. A. Lijphart, *Democrația în societățile plurale*, Polirom Publishing House, Iași, 2002;
21. I. Muraru, S.E. Tănăsescu, *Drept constituțional și instituții politice*, All Beck Publishing House, vol.I, Bucharest, 2008;
22. I. Muraru, S.E. Tănăsescu, *Drept constituțional și instituții politice*, All Beck Publishing House, vol.II, Bucharest, 2009;
23. P. Negulescu, *Curs de drept constituțional român*, de Alex. Th. Doicescu Publishing House, Bucharest, 1928;
24. P. Pactet, *Institutions politiques. Droit constitutionnel*, Masson Publishing House, Paris, 1993;
25. H. Portelli, *Droit constitutionnel*, Dalloz Publishing House, Paris, 1999;
26. O. Rădulescu, P. Rosenberg, A. Tudor, *Probleme controversate privind răspundere penală a demnitarilor*, Lae Revue no.11/2008, pp. 220, Bucharest, 2007;
27. M.C. Rouault, D. Dutieux, B. Hedin, F. Leclerco, *Droit administratif*, Gualino Publishing House, Paris, 2003;
28. M. Sanchez Morón, *Derecho administrativo. Parte general*, Tecnos Publishing House, Madrid, 2006;
29. S.E. Tănăsescu, coordinator, *Studii juridice. Răspunderea în dreptul constituțional*, Bucharest, C.H. Beck Publishing House, 2007;
30. A.de Tocqueville, *Despre democrație în America*, vol.I, Humanitas Publishing House, Bucharest, 1992;
31. G. Vedel, P. Delvolve, *Droit administratif*, P.U.F. Publishing House, Paris, 1984;
32. J.Q. Wilson, *American Government. Institutions and Policies*, D.C. Heath and Company, Lexington , Massachusetts. Toronto, third edition, 1986.