THE PUBLIC MINISTRY'S HISTORICAL EVOLUTION

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Abstract

The general objective of the current article is to identify the Public Ministry's evolution throughout history from the perspective of citizen's fundamental rights and freedoms. To accomplish the stated general objective, we will identify and analyze the most important legal provisions that have an impact on the institution's birth and evolution.

Keywords: *Public Ministry, citizen's fundamental rights and freedoms, legal provisions, society's general interests, rule of law.*

1. Introduction

Taking into consideration the provisions of the Romanian Fundamental Law[1], which establish that the role of the Public Ministry is to guarantee respect for the society's general interests and to defend the legal order as well as the citizens'rights and freedom, we consider that it is very important to identify the Public Ministry's evolution throughout the history. In order to achieve the general objective, we will identif the relevant legislative framework and analyze the most important legal provisions that have an impact on the institution's evolution.

The establishment of the Public Ministry was not arbitrary, but determined by the cruelty of the punishments and the need for a specialized institution which would guarantee the general interests of society and would defend both the rule of law and the rights and freedoms of citizens. The founding of the Public Ministry is undoubtedly justified in the wish to put an end to the gross violations of human rights and freedoms, private justice and the wish to create an authority specialized in the punishment of violators of human rights and the rights of the state.

The evolution of the Public Ministry, beginning with the time of the institution's first acknowledgement and up until the present day, reveals the fact that the role and importance of the Public Ministry evolved simultaneously with great historical events, the development of the institution's legal framework highlighting the crucial role of the Public Ministry and its evolution depending on the social, economic, political and historical context.

2. Content

A short glance at history highlights a first acknowledgement of the institution of the Public Ministry within the Organic Statutes, veritable constitutions which brought about a series of fundamental changes by introducing a fundamental principle, that of the separation of powers in the state into the executive, the legislative and the judicial.

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[1]Constituția României din 31 octombrie 2003, published in Monitorul Oficial, Partea I, nr. 767.

The Organic Statute was a genuine progress factor, a veritable constitution that laid the foundation for the institutions of modern Romania.[2] N. Bălcescu, on the Organic Statute: "The Statute, despite all its flaws, brought useful principles and became an instrument of progress. It legally recognized the principle of commercial freedom, the separation of the judicial, administrative and legal powers and introduced the parliamentary regime."[3]

In one of its works, the liberal-oriented economist Alexandru Moruzi stated: "you are blown away by the immense development of our institutions…We owe this development, regardless of what people might say, to the dispositions comprised in the Organic Statute in 1832. Despite all the concessions made to the historical context and the country's customs and situation, the Statute has not been any less beneficial to us. It puts an end to unrestricted rule; it provides for a regulated administration; it establishes contributions; it guarantees equality before the law from a civil law perspective."[4]

The Organic Statutes were the ones to create the position of prosecutor attached to courts for the protection of law and public order.[5] The Organic Statute of Wallachia regulated the institution of the Public Ministry. This institution had prosecutors attached to every court and to judicial divan. Their main responsibilities consisted of protecting the law and drafting regular reports regarding the activity of the court which they were attached to and its needs,[6] "as defenders of the law ("pravila") and public order." Article 217 of the Statute of Wallachia provide that: "the prosecutor shall obey the ruler and monitor the rightful abidance by norms and regulations…the correct enforcement of the judgements and the assurance of good order and peace of the people." Also, acording to the article 218 of the Statute of Wallachia in case of infringement of the laws and regulations, the prosecutor was supposed to notify the great "logofat" (noble title) and the Ministry of Justice so that legal measures were taken and the guilty person was held accountable.

The Organic Statutes marked an important moment in history, a moment which impacted on organizing judicial courts, determined the transition from a state in which authority was exercised by a single organ, the ruler, to a state whose organization was based on the principle of the separation of powers. The Organic Statutes were the ones to establish the institution of the Public Ministry, the responsibilities of the prosecutors of the courts and divans in civil and criminal proceedings.

During the rule of Alexandru Ioan Cuza, the modernization of the organization and functioning of the institution of the Public Ministry took place under the law of judicial organization in 1865. According to this regulation, the prosecutors had the responsibility of judicial police, were the titulars of criminal action and were entrusted to enforce definitive and irrevocable criminal judgements. Furthermore, they had the responsibility to verify documents of civil registry, inspect prisons and other places of enforcement of punishments and security measures, monitored law abidance within the courts, reporting the difficulties observed to the Ministry of Justice.[7]

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[2]A.Oţetea, "Geneza Regulamentului Organic", Revista de Studii şi Articole de Istorie (1957): 387 apud Roxana Gherghe, „Rolul modernizator al Regulamentelor Organice în Ţara Românească şi Moldova", Analele Universităţii Constantin Brâncuşi din Târgu Jiu, Seria Litere şi Ştiinţe Sociale, nr. 3 (2009): 89.

[3]N. Bălcescu, *Opere* (Bucureşti: Editura de Stat pentru Literatură şi Artă, 1952), 180 apud Roxana Gherghe, „Rolul modernizator al Regulamentelor Organice în Ţara Românească şi Moldova", Analele Universităţii Constantin Brâncuşi din Târgu Jiu, Seria Litere şi Ştiinţe Sociale, no. 3 (2009): 79.

[4]V. Slăvescu, *Vieaţa şi opera econmistului Alexandru D. Moruzi* (Bucureşti: Academia Română. Studii şi Cercetări, 1941), 109 apud Gheorghe I. Brătianu, *Sfatul domnesc şi Adunarea stărilor în Principatele Române* (Bucureşti: Enciclopedică, 1995), 252.

[5]Cosmin Lucian Gherghe, "Regulamentele Organice şi dezvoltarea vieţii constituţionale româneşti," Revista de ştiinţe politice, no. 30-31 (2011): 15.

[6]Academia de Ştiinţe Sociale şi Politice a Republicii Socialiste România, *Istoria dreptului românesc*, (Bucureşti: Academia Republicii Socialiste România, 1980), 179-181.

[7]Ioan Alexandru, *Ministerul Public între executiv şi justiţie*, (Bucureşti: Lumina Lex, 2002), 35-36.

The criminal law unification, which marks the establishment of Romanian criminal law after the principalities were united, was made under the code of Cuza, namely the Penal Code of 1865. This aimed to establish the principle of legality before the law: "No crime shall be punished unless the punishment will be decided upon prior to its commitment. Crimes committed during the enactment of the old law will pe punished accoring to that law; and when punishments stipulated in the current law will be lighter, the lighter punighment will be enforced. Crimes committed under the old code, but not stipulated in the current code, will no longer be punished,"[8] the humanization of punishments and life-long community service.[9]

The Code did not contain the supreme punishment – the death sentence – which had existed since the establishment of the Romanian states, the most drastic punishment being life-long community service addressed to culprits of exceptional gravity.[10] It comprised drastic punishments for all those who challenged or disrupted national security, disrupted public order and tranquility, did not respect the rights and freedoms of citizens. Article 105 of the Penal Code of 1865 stipulated „civic degradation" (limiting the civil rights)[11] of the prosecutor making an attempt on the freedoms of an individual: "This is how „civic degradation" will act as a punishment for prosecutors, substitutes, judges or public servants who apprehend or issue orders of apprehension for individuals from localities other than those stipulated in the laws and rules or who send before the court an individual prior to his indictment according to the law." Furthermore, the „civic degradation" of the prosecutor was stipulated in case he broke his responsibilities as well: "Judges, prosecutors and their substitutes, police officers who interfere in the exercise of the rights of the judicial power or through regulations that comprise legal provisions or block or suspend the enforcement of one or more laws or deliberate on whether to publish or enforce a law.

Judges, prosecutors and their substitutes, judicial police officers who overstep their responsibilities, blocking the enforcement of orders given by the administration or after they allowed or summoned in court public servants for deeds relating to the exercise of their position and who persist in enforcing these measures, despite the competent authorities notifying them of the annulement of the deeds or the existence of a conflict of interests. A fine between one hundred and one thousand five hundred lei will be applied as punishment to judges who, overstepping their responsibilities, interfere with the laws created by the administrative authority. The same punishment applies to members of the Public Ministry who conclude or ask for this sort of proceedings to take place.**[12]** It seems that history brings into the spotlight a period in which 'civic degradation' was the sanction applied to prosecutors for violating freedoms of the individual and for transgressing their own responsibilities.

The Code of Penal Procedure of the United Principalities in 1864, a document of great significance for shaping the role of the institution of the Public Ministry, brings to our attention the competence of the prosecutors of the Public Ministry attached to courts in the following manner:[13] prosecutors of the correctional courts or civil courts were put in charge of discovering and monitoring every offence and criminal activity under the authority of the courts where they exercised their responsibilities and those under the authority of jury courts; prosecutors attached to the court of first instance had the authority to solicit in the exercise of

[8]Codul Penal al Principatelor Unite Române de la 1864, published in Monitorul Oficial din 30.10.1864, Partea I, Dispoziții preliminare, art. 2.
[9]Codul Penal al Principatelor Unite Române de la 1864, published in Monitorul Oficial din 30.10.1864, Cartea I, Titlul I, art. 10.
[10]Budu Ionel, "Modernizarea justiției în principatele române. De la teorie la practică" (teză de doctorat, București, 2010).
[11]Codul Penal al Principatelor Unite Române de la 1864, published in Monitorul Oficial din 30.10.1864, Cartea I, Titlul I, art. 22.
[12]Codul Penal al Principatelor Unite Române de la 1864, published in Monitorul Oficial din 30.10.1864, Cartea II, Titlul II, Cap. III, art. 108, 109.
[13]Codul de procedura penala al Principatelor Unite Române din 1864, published in Monitorul Oficial din 2 Decembrie 1864, Cartea I, Capitolul III, Secțiunea I, art. 21, art. 22, 23, 26, 28, art. 30 - art. 39.

their responsibilities the direct use of public force; in all the cases of grave offences, if these called for a criminal punishment, the prosecutor of the court had to got to the crime scene immediately, in order to fill in the fact finding document, to listen to the witnesses' statements, with the notification of the chief prosecutor; the prosecutor of the court, in cases regarding grave offences and when the deeds called for a criminal punishment, notified the accused of the charges made against him.

Furthermore, in the text of the Code, we identify the role of the Public Ministry attached to the Jury Court as follows:[14] the Public Ministry attached to the Court of appeal interrogated, either itself or through its substitute, all the persons indicted, without being able to bring a new charge, under the sanction of nullity; the Public Ministry assisted debates, demanded the application of punishment and was present at the judgement; the Public Ministry conducted in the name of the law all the indictments it considered adequate; the Public Ministry attached to the Court of appeal monitored the activity of the judicial police officers and delivered summons in cases of negligence of the judicial police officers. The text of the Code of Penal Procedure reveals essential aspects of the competence and role of the Public Ministry.

A regulatory document that leaves its imprint on the institution is the Law of 1913 regarding the instruction and judgement before the correctional court of grave offences. This regulation brings important modifications to the competence of the institution of the Public Ministry. According to this law, persons caught during the commitment of a crime of common law in the cities serving as county seat could be arrested on spot and brought before the prosecutor, who interrogated them and sent them before the local court or tribunals summoned to make an urgent judgement, without passing through preceding phases of fact finding, indictment, instruction, which the Code of Penal Procedure stipulated.[15]

Therefore, we identify changes regarding the competence of the institution of the Public Ministry – it receives the responsibility to carry on the instruction and issue the bench warrant. Furthermore, the law stipulates the introduction of a new, much more rapid procedure in which the prosecutor has the responsibility to take all the measures so that the accused can be summoned before the court even the day after the discovery of the grave offence.

The decree for the organization and function of the prosecutor's office in 1948 represents the proof of a new phase in the history of Romania, a phase of Soviet influence in the organization of judicial power. It seems that with the issuance of the Decree, the phrase "Public Ministry" disappears, this being clearly stipulated by Law no. 6 of 1952.

The 1948 Decree brings about essential changes to the institution of the Public Ministry. It disappears and, in return, the Prosecution of the Romanian People's Republic is established as a system of organs which carried on the activity of superior monitoring of law abidance. The responsibilities of the prosecution were extremely wide, which ensured the creation of a powerful instrument of control over the entire society by the political power.[16] Thus, the Prosecution of the Romanian People's Republic, under the authority of the Minister of Justice, comprised: the prosecutor general of the Romanian People's Republic, who was also in charge of the prosecutor's office, one county prosecutor and eight prosecutors attached to the Supreme Court; one county prosecutor and a number of prosecutors attached to courts; one county prosecutor and a number of prosecutors attached to tribunals;

[14]Codul de procedura penala al Principatelor Unite Române din 1864, published in Monitorul Oficial din 2 Decembrie 1864, Cartea II, Capitolul II, art. 314-317.
[15]Emil Cernea, Emil Molcuț, *Istoria statului și dreptului românesc* (București, Casa de editură și presă "Șansa" S.R.L., 1998), 223.
[16]Ioan Alexandru, *Ministerul Public între executiv și justiție*, (București: Lumina Lex, 2002), 36-37.

prosecutors attached to people's courts.[17] The Prosecution had the role to monitor the abidance of criminal law both by public servants and by regular citizens, monitor indictment and punishment of crimes against order and democratic liberties, economic interests, national independence and the sovereignty of the Romanian state.[18]

The law for establishing and organizing the Prosecution in 1952 shaped the role of the institution of the prosecutor in a time of Soviet influences. The thus newly created institution was an independent organ, exclusively subordinated to the supreme organ of state power and to the Council of Ministers, with the aim to monitor law abidance, defend social order and the interests of citizens.

According to the regulatory document, the main responsibilities of the prosecution were:[19] monitoring that orders, instructions, decisions, provisions and dispositions and other documents with regulatory character of the local organs of the state power, ministries and other central organs of the state administration, state institutions, organizations and enterprises and cooperative organizations and enterprises, as well as other public organizations are in compliance with the laws of the Romanian People's Republic and the decisions of the Council of Ministers, as well as with the other regulatory documents; monitoring that every crime is established timely and completely and sanctioned justly; monitoring the respect for citizens' individual liberties, monitoring and controlling the grounds and legality of apprehension or preventive detainment and taking measures to free the ones illegally apprehended or detained; monitoring that the laws are applied uniformly and justly by tribunals from across the entire territory of the Romanian People's Republic by overseeing their judicial activity; monitoring the activity of the organs in charge of law enforcement, as well as the activity of the institution where the punishments are enforced and medical and pedagogical measures are taken, in regards to the legality and conditions of their enforcement.

According to the text of the Fundamental Law of 1952, the Romanian People's Republic, "a state of workers from cities and villages", was born as a result of the historic victory of the Soviet Union over German fascism and the liberation of Romania by the glorious Red Army. The Great National Assembly becomes the supreme organ of state power and the only legislative forum of the country.[20]

According to the Constitution of 1952, it seems that the Prosecution did not only have a judiciary role, its involvement in the state activity being preponderent, as a body that monitored that all organs and institutions are compliant with the law.[21]

Title VII of the Constitution,[22] addressing the prosecution organs, stipulates their role within the Romanian Socialist Republic, that of monitoring the activity of organs in charge of indictment and of enforcement of punishments and monitoring, according to the law, of the respect for the legality, the defence of socialist order, legitimate rights and interests of socialist organizations, of other juridical persons, as well as citizens. The Prosecution was administered by the Prosecutor General, and the Prosecution's organs were the following: The Prosecution General, the county prosecutions, the local prosecutions and the military

[17]Decretul nr. 2 din 22 aprilie 1948 pentru organizarea şi funcţionarea parchetului, Publicat în Monitorul Oficial nr. 95 din 22 aprilie 1948, Titlul I, Dispoziţii preliminare, art. 4.
[18]Decretul nr. 2 din 22 aprilie 1948 pentru organizarea şi funcţionarea parchetului, Publicat în Monitorul Oficial nr. 95 din 22 aprilie 1948, Titlul I, Dispoziţii preliminare, art. 1-art. 3.
[19]Legea nr. 6 din 1952 pentru înfiinţarea şi organizarea Procuraturii, Buletinul Oficial nr. 8 din 4 martie 1953, abrogată de legea 60/1968 pentru organizarea şi funcţionarea Procuraturii Republici Socialiste România, Capitolul II, art. 5 -art. 6.
[20]Constituția Republicii Populare Române, published in Monitorul Oficial Nr. 87 bis din 13 Aprilie 1948, Capitolul I, art. 1-art. 3, Capitolul III, art. 22-art. 23.
[21]Andreea Simona Straub, "Plângerea împotriva măsurilor şi actelor de urmărire penală," (rezumat teză de doctorat, București, 2013).
[22]Constituția Republicii Socialiste România din 1965, published in Buletinul Oficial din 21.08.1965, Titlul VIII, art. 112 – art. 115.

prosecutions. The Prosecutor General answers of the activity of the Prosecution to the Great National Assembly and in between sessions, to the State Council.

A modification worth mentioning in our analysis is the one applied to the Constitution of 1965, according to which the Prosecution would no longer exercise a general monitoring of the legality (of the ministries and other central organs, local state organs and state administration, as well as of public servants and other citizens), but only a monitoring of the activity of organs in charge of indictment and enforcement of punishments and would monitor law abidance, according to the law.

The Constitution created in the context of the 1989 events – the collapse of the communist regime in Romania and the return to a democratic regime, combined democratic tradition and new European constitutional principles.

In December 1991, the new Constitution of Romania was adopted. It reflected the democratic changes that took place in the country in December 1989 and established a series of new principles regarding the judicial activity. The 1991 Constitution reinstated the old name of the institution, "Public Ministry", developed under section II, chapter VI of title II, within the judicial authority, eliminating the provisions that established Prosecution as a distinct state organ.

According to the Fundamental Law, within the judicial activity, the Public Ministry represents the general interests of the society and defends rule of law, as well as the rights and freedoms of citizens. The Public Ministry exercises its responsibilities through prosecutors organized in prosecutions, according to the law.

Law of judicial organization in 1992 marked an important moment in the evolution of the institution of the Public Ministry, by recognizing the capacity of the magistrate and tenure of the prosecutor, alongside that of the judge: "The following have the capacity of magistrate and are part of the magistrate body: judges of all judicial courts, prosecutors within the prosecutions attached to these, as well as assistent-magistrates of the Supremel Court of Justice".[23] With this law the responsibility of general monitoring was eliminated from the competence of the prosecutor, and only judicial responsibilities were maintained.

Currently, the law that lies at the foundation of judicial organization has the role to instate regulations that would guarantee the observance of the Fundamental law and other laws of the country, ensure the right to a fair trial and the judgement by judicial courts impartially and independently of any external influences, ensure the respect of fundamental individual rights and freedoms, mentioned namely in the following documents: the Universal Declaration of Human Rights, Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Convention for the Rights of the Child, the Charter for Fundamental Rights of the European Union, as well as guarantee observance of the Constitution and the laws of the country.[24]

Furthermore, the text of the law redefines the responsibilities exercised by the Public Ministry through prosecutors, the principles that lie at the core of their exercise and their organizational structure.

It is important to note that the current regulation of the judicial organization comprises a series of provisions aimed to increase the decisional autonomy of the prosecutor, thus minimizing the effect of politicization, generated by the intervention of the Ministry of Justice. As a result, the new legal text eliminates the provision from the old law of judicial organization according to which the Ministry of Justice had the right to issue a written disposition directly or through the Prosecutor General, to the prosecutor responsible of initiating, according to the law, of the indictment for the crimes he waas aware of and

[23]Legea nr. 92 din 1992 pentru organizarea judecatorească, published in Monitorul Oficial nr. 197 din 13 august 1992, Titlul III, Capitolul I, Dispoziții comune, art. 42.
[24] Legea 304 din 2004 privind organizarea judiciară, published in Monitorul Oficial nr. 515 din 14.08.2013.

promoting before the courts actions and channels necessary to the defence of the public interest.

Furthermore, another provision that is no longer comprised in the current regulatory framework is that according to which the control of the Ministry of Justice over the activity of the prosecutors consisted of appreciation of the activity, preparation and professional abilities of the prosecutors.[25] Concurrently, another regulation was passed regarding the possibility of the prosecutor to contest to the Superior Council of Magistracy the intervention of the superiorly hierarchic prosecutor, for influencing in any way the conclusions, thus highlighting the preoccupation of the lawmaker for ensuring the independence of the prosecutor when passing judgements.

In fulfilling its role, that of defending the general interests of the society, the rule of law and the fundamental rights and freedoms of the citizens, the prosecutor must have an impeccable conduct, both professionally and socially. To this end, the regulatory framework has established a series of rights, obligations and restraints of the prosecutor that would attract the citizens' confidence in the act of justice, create the possibility of the prosecutor to develop his activity without any external pressure and the assurance of an independent and impartial act of justice.

The Criminal Procedural Code aims to be a normative act which adresses the new realities of society, to provide in a clear manner the citizen's rights in the stages of the criminal proceeding, a better guarantee and promotion of citizen's rights, imperatives of increasing the citizen's confidence in the act of justice. Thus, the provisions of the new criminal proceeding code bring to our attention changes with impact upon the prosecutor's role in promoting and guaranteeing human rights, and also a strengthening of its role to lead and supervisee the criminal procedeeing activity carried out by the criminal investigation bodies of the judicial police or the special criminal investigation bodies. The prosecutor institution remains the warranter of promoting the citizen's fundamental rights and freedom.

Also, it seems that regarding the prosecutor's competence, the new criminal procedural code restrics the categories of crimes for which the prosecutor was required to conduct his own prosecution.

While the old Criminal Procedural Code provided the public prosecutor's competence to carry out criminal proceedings for: crimes against the security of the state, crimes against a person, crimes against personal freedom, crimes against property, crimes against authority, service crimes or crimes in connection with the service, crimes against the security of railway traffic, offenses established for certain economic activities, crimes against peace and humanity,**[26]** the current Criminal Procedural Code provides that prosecution must be carried out, by the prosecutor: for offenses where first instance judging competence belongs to the High Court of Cassation and Justice or the Court of Appeal; in the case of crimes against life, offenses against justice and crimes of corruption.[27] Thus, it seems that within the new Criminal Procedural Code we find only some of the offenses for which the prosecutor is obligated to conduct his own prosecution.

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[25]Legea nr. 92 din 1992 pentru organizarea judecatorească, published in Monitorul Oficial nr. 197 din 13 august 1992, Titlul III, Capitolul I, Dispoziţii comune, art. 34.
Traian Cornel Briciu, „Instituţii judiciare. Principiile de organizarea a justiţiei. Mgistratura. Avocatura" (Bucureşti: Ch. Beck, 2012), 185.

[26]Codul de Procedură Penală din 1997, published in Buletinul Oficial nr. 145-146 din 12 noiembrie 1968, republicat în Buletinul Oficial nr. 58-59 din 26 aprilie 1973, Versiune actualizata la data de 16/07/2012, art. 209.

[27]Legea nr. 286 din 17 iulie 2009 privind Codul penal published in Monitorul Oficial nr. 510 din 24 iulie 2009, art. 188-191, art. 279, art. 289-294.

3. Conclusions

Having arrived at end of this article, we believe that we have achieved our general objective, to identify the development of the Public Ministry institution throughout history, from the perspective of ensuring fundamental human rights and freedoms and also the specific objectives that helped to accomplish the general objective: to identify and analyze the major legal provisions impacting the birth and evolution of the institution.

Certainly, the apparition of the Public Ministry was not random, its birth being determined by the cruelty of punishments existing within the ante-state and medieval periods, by the need for a specialized agency to ensure compliance with the general interests of society, to defend the rule of law and the citizens' rights and freedoms.

The Public Ministry institution's birth certainly comes from a desire to end the massive violations of humans' fundamental rights and freedoms, to end private justice, the desire to create a specialized authority to punish offenders who violated human and state rights.

Thus, the Public Ministry institution appeared from the need for a public authority to be recognized as (by the duties and powers conferred by law) the instititution with the competence to set public action in motion, an action carried out on behalf of society and seeking to bring to justice those who break criminal law, the Public Ministry performs the so-called "service of prosecution", which means that the criminal action is entrusted to this particular body mainly because it is not possible for the same authority to deal with both the prosecution and the judgement in a criminal case.

The Public Ministry is a specialized authority of the state that initiates criminal proceedings and sets in motion criminal action, brings to justice the criminal justice report generated by a criminal offense, thus giving rise to a legal criminal procedural report, and then exercises on behalf of the state the right to punish, thereby fulfilling the „prosecution function."

References

- A.Oţetea, *"Geneza Regulamentului Organic"*, Revista de Studii şi Articole de Istorie (1957).
- Academia de Ştiinţe Sociale şi Politice a Republicii Socialiste România, *Istoria dreptului românesc*, (Bucureşti: Academia Republicii Socialiste România, 1980).
- Andreea Simona Straub, *"Plângerea împotriva măsurilor şi actelor de urmărire penală,"* (rezumat teză de doctorat, Bucureşti, 2013).
- Budu Ionel, "Modernizarea justiţiei în principatele române. De la teorie la practică" (teză de doctorat, Bucureşti, 2010).
- Constituţia Republicii Populare Române, published in Monitorul Oficial Nr. 87 bis din 13 Aprilie 1948.
- Constituţia Republicii Socialiste România din 1965, published in Buletinul Oficial din 21.08.1965.
- Constituţia României din 31 octombrie 2003, published in Monitorul Oficial, Partea I, nr. 767.
- Cosmin Lucian Gherghe, "Regulamentele Organice şi dezvoltarea vieţii constituţionale româneşti," Revista de ştiinţe politice, no. 30-31 (2011).
- Decretul nr. 2 din 22 aprilie 1948 pentru organizarea şi funcţionarea parchetului, published in Monitorul Oficial nr. 95 din 22 aprilie 1948.
- Emil Cernea, Emil Molcuţ, *Istoria statului şi dreptului românesc* (Bucureşti, Casa de editură şi presă "Şansa" S.R.L., 1998).
- Gheorghe I. Brătianu, Sfatul domnesc şi Adunarea stărilor în Principatele Române (Bucureşti: Enciclopedică, 1995).
- Ioan Alexandru, *Ministerul Public între executiv şi justiţie*, (Bucureşti: Lumina Lex, 2002).
- Legea 304 din 2004 privind organizarea judiciară, published in Monitorul Oficial nr. 515 din 14.08.2013.
- Legea nr. 6 din 1952 pentru înfiinţarea şi organizarea Procuraturii, Buletinul Oficial nr. 8 din 4 martie 1953, abrogată de legea 60/1968 pentru organizarea şi funcţionarea Procuraturii Republici Socialiste România.

- Legea nr. 92 din 1992 pentru organizarea judecatorească, published in Monitorul Oficial nr. 197 din 13 august 1992.
- N. Bălcescu, *Opere* (Bucureşti: Editura de Stat pentru Literatură şi Artă, 1952).
- Roxana Gherghe, *„Rolul modernizator al Regulamentelor Organice în Țara Românească şi Moldova”*, Analele Universităţii Constantin Brâncuşi din Târgu Jiu, Seria Litere şi Ştiinţe Sociale, nr. 3 (2009).
- Traian Cornel Briciu, „Instituții judiciare. Principiile de organizarea a justiției. Mgistratura. Avocatura” (București: Ch. Beck, 2012).
- V. Slăvescu, *Vieaţa şi opera econmistului Alexandru D. Moruzi* (Bucureşti: Academia Română. Studii şi Cercetări, 1941).