



**"NICOLAE TITULESCU" UNIVERSITY
FACULTY OF LAW
DOCTORAL SCHOOL**

DOCTORAL DISSERTATION

SUMMARY

**METHODS OF INTERPRETING LEGAL RULES IN THE
PROCESS OF APPLYING LAW. SPECIAL FOCUS ON THE
FINANCIAL CRISIS AND INSOLVENCY OF ADMINISTRATIVE-
TERRITORIAL UNITS**

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**Bucharest
2024**

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I. RESEARCH TOPIC AND ITS RELEVANCE

This doctoral dissertation deals with a topic of great topicality and importance, from both theoretical and practical perspectives. In the context of contemporary economic and legal dynamics, the analysis of methods of interpreting legal rules is of particular importance for ensuring the correct and effective application of the law. Also, the global financial crisis and its effects on national economies have highlighted the vulnerabilities of legal and economic systems, including those of administrative-territorial units. Insolvency of these entities represents a significant challenge, not only in relation to maintaining economic and social stability, but also from a legal point of view, in relation to the need to correctly interpret and apply the relevant legal rules. The dissertation aims to respond to this need by providing a detailed analysis of the methods of interpretation of legal rules, i.e. presenting the difficulties faced in the application of legal rules in the specific context of the financial crisis and insolvency of administrative-territorial units.

As for the novelty of the dissertation, we took a multidisciplinary approach. Thus, the thesis integrates legal, economic and administrative perspectives, providing a comprehensive analysis of the problems related to the financial crisis and insolvency of administrative-territorial units. This multidisciplinary approach is essential to understand the complexity of these phenomena and to identify appropriate solutions. In addition, we have included a comparative analysis of how the legal system in the United States of America deals with the interpretation of legal rules in the context of city insolvency, providing a broad perspective including the differences in the vision of the phenomenon of city insolvency. On the other hand, the thesis presents a detailed case study on the insolvency of an administrative-territorial unit in Romania, analyzing how the relevant legal rules have been interpreted and applied, respectively the causes that led to the triggering of the mechanism provided by law.

Moreover, the dissertation formulates proposals for legislative and administrative reform aimed at improving the interpretation and application of legal rules when administrative-territorial units encounter economic difficulties of such a magnitude. These proposals are based on theoretical analysis and case-study findings and have the potential to contribute to the development of a more robust legal framework that is better adapted to economic and social realities.

In conclusion, the doctoral dissertation contributes to understanding and solving complex problems related to the application of legal norms in the context of the financial crisis and insolvency of administrative-territorial units.

II. AIM AND OBJECTIVES OF THE DOCTORAL DISSERTATION

The purpose of this dissertation is to analyze the methods of interpretation of legal rules, including in relation to their practical application, by exemplifying some court decisions that have used one or more methods of interpretation in order to resolve cases pending at that time. We also wish to draw attention to the usefulness, necessity and importance of the methods of interpretation of legal rules, without which legal reality would be fundamentally different.

At the same time, the dissertation also aims at analyzing the solution adopted by the Romanian legislator regarding the financial crisis, namely the insolvency of administrative-territorial units / subdivisions, realizing, on the one hand, a critique of the O.U.G. no. 46/2013 on the financial crisis and insolvency of administrative-territorial units, and on the other hand, the main objective is to propose solutions for the difficulties that may be generated by this regulation.

The specialized literature has qualified and divided the methods of interpretation of legal rules, according to the specific features of each of them. Four such methods are known and generally accepted: the grammatical method, the logical method, the historical method and the systematic method¹. It has also been pointed out that to these four methods is added the teleological method, with the classical classification having the four original methods as main actors². As the doctrine has pointed out, Savigny considered that in reality there are a multitude of activities, elements of interpretation, which should be applied together in the process of interpretation, and not different methods³. The use of these methods, either in isolation or in parallel with the others, in relation to the needs of a particular situation, can shed light on how the legislator intended to legislate and apply a legal rule so that the latter may produce its effects.

¹ See Nicolae Popa, "General Theory of Law/ Teoria generală a dreptului ", 5th ed. C.H. Beck, Bucharest, 2014, p. 209.

² *Ibidem*.

³ See Sofia Popescu, Maria-Luiza Hrestic, Alexandrina Șerban, Radu Stancu, Mădălina Viziteu, "Teoria generală a dreptului: university course ", Ed. Pro Universitaria, Bucharest, 2016, p. 276.

Therefore, it is absolutely necessary that, when we refer to the practical application of the law, i.e. its realization, we interpret the related rules, which is, in fact, the moment of greatest significance and importance. In implementing the law, the enforcement body will adopt the method or methods which it considers most appropriate in order to determine how to interpret a legal rule in a particular case. Accordingly, whatever choice the interpreter makes, it must not lead to fragmentation in the application of the law, even if different methods of interpretation exist⁴.

It has been established over time which are the methods of interpretation of legal rules that any interpreter must master and apply appropriately when the legislation does not provide a clear answer to a particular situation. Nor would it be possible for the legislator to imagine and be able to include in the legislation every possible practical application of a particular legal rule. Thus, interpretation cannot be regarded as an activity that produces rules, but it certainly contributes to explaining them⁵.

As far as the *lege ferenda* proposals are concerned, in the event of a possible reorganization of the administrative-territorial units, there is also a risk in Romania that, precisely by annexing administrative-territorial units that are experiencing financial problems to other units that are healthier from this point of view, the latter will gradually decrease their level of development or even enter, in their turn, into the financial crisis or insolvency procedure. However, by retaining these sick administrative-territorial units, we would only continue to accumulate arrears, which would also damage the state, which will have to allocate ever larger sums to balance local public budgets through transfers from the state budget.

With regard to the effects of the mechanism for the control of public money, as long as its effectiveness is not enshrined in clear legal rules on how the Court of Auditors will carry out its control on the basis of this principle and the standards to be achieved, it will not be possible to carry out a proper control and impose measures accordingly. Therefore, with a view to effective control, we propose the establishment of standards covering both the objectives pursued by controllers and the way in which

⁴ See Sofia Popescu, Maria-Luiza Hrestic, Alexandrina Șerban, Radu Stancu, Mădălina Viziteu, works read, p. 276.

⁵ See, on the interpretation of legal rules, the decisions of the Constitutional Court of Romania, namely Decision No 619 of October 11, 2016, published in the Official Gazette of Romania No 6 of January 4, 2017, paragraph 30, and Decision No 61 of February 7, 2017, published in the Official Gazette of Romania No 219 of March 30, 2017, paragraph 36.

these objectives can be sanctioned, on the basis of rules expressly mentioned in the legislation.

In view of another potentially more effective mechanism, namely the preventive composition arrangement, although it could be seen by specialists as rather a legislative procrastination, a postponement that would not necessarily be beneficial to the business environment, because an administrative-territorial unit cannot go bankrupt, I believe that it would have been perhaps a more appropriate way to regulate a way for creditors to be able to recover their arrears and, at the same time, the administrative-territorial unit to carry out its activity without major obstacles, in conditions as close to normality as possible.

In conclusion, I consider that the regulation of insolvency in public law, at the current stage, has very little chance to contribute to the harmonization of the public finances of an administrative-territorial unit, all the more so as we consider the situation in which the collection of revenues in relation to public expenditure is not viable.

III. RESEARCH METHODOLOGY

The research methodology involved an interdisciplinary analysis of the topic, which is at the intersection of several disciplines such as general legal theory, administrative law and commercial law. This doctoral dissertation is based on legislation updated on 22.05.2024. The only texts where there are currently repealed or amended provisions are to be found in examples from judicial practice, at the time of the debate of the cases analyzed the legislation had its specificity, namely the situations where a review of the evolution of a particular legal norm was desired.

IV. STRUCTURE OF THE DOCTORAL DISSERTATION

The work begins with the list of abbreviations, and is structured in Accordingly, the first chapter deals with both the definition of the legal norm and the status of legal interpretation in Romanian law, from a normative point of view. Thus, it presents the relevant legal provisions in Romanian legislation, namely those that refer to a specific way of interpreting a text. There is no well-defined statute, in the true sense of the word, on how to interpret a piece of legislation, but there is no need for that at this stage. Thus,

the legal provisions to which we have referred are up to date and, if applied taking into account the methods of interpretation of the legal norm, are sufficient for any legal practitioner, when it is necessary to clearly establish the meaning of a norm, the intention of the legislator and, finally, the correct application of the norm whose analysis is being carried out.

Chapter II is devoted to the grammatical method of interpreting legal rules, which involves a thorough reading of the legal text, as well as an examination of individual words, phrases and sentence structure. This method must be mastered by legal professionals, as it is a significant tool for interpreting legal texts. The grammatical method is based on the principle that legal texts must be interpreted in accordance with their direct meaning.

Chapter III concerns the historical method of interpreting the legal rule. For a person unfamiliar with the method of interpretation and application of legal rules, this may at first sight seem less useful. However, it is by no means negligible, as the historical interpretation of the law is important for contemporary legal practice, all the more so as the interpretation of legal rules must adapt to changing social and cultural contexts, as legal systems are in a perpetual state of evolution. Historical interpretation allows us to understand the original intention and meaning of legal texts and how they have been interpreted and applied over time.

The IVth Chapter analyzes the logical method of interpretation of the legal norm, since any regulation should have acquired the ability to successfully pass a test of logic, which is, in our opinion, one of the essential reasons why the application of this method of interpretation is a tool that must be available to the legislator, but also to those who have the task of applying the legal norms already regulated. Therefore, the logical method of law is an indispensable tool for legal professionals and laymen alike. It helps to promote fairness, consistency and rational legal decision-making by providing a structured and systematic approach to legal reasoning. Understanding and applying the logical method of law helps to navigate the complex world of law with confidence and clarity.

The fifth chapter presents the systematic method of interpretation of the legal norm. Legislative intention is one of the central components of the systematic method of statutory interpretation. It refers to the intention or purpose of a specific law or legal

provision. By analyzing the legislative history, context and debates surrounding a law, legal professionals can gain insight into the intent behind its creation and use this information to interpret the law.

Chapter VI considers the teleological method of interpreting legal rules, which provides legal professionals with a distinct framework for legal analysis. By focusing on the intended purpose of the law and its social, political and economic context, legal professionals can develop a consistent and predictable method of legal analysis. It is necessary for the promotion of an honest legal system that legal outcomes are based on a clear understanding of the law and its intended purpose.

Chapter VII is divided into two sections. Section 1 provides an overview of the insolvency mechanism in Romanian law, through Subsection 1.1, and a presentation of the concept of municipal bankruptcy in the United States of America, through Subsection 1.2. Subsection 1.3, on the other hand, analyzes the public registries for recording financial crisis and insolvency situations in the public sector, but also reviews the Insolvency Proceedings Bulletin in private law. Section 2 presents the circumstances of the adoption of the financial crisis and insolvency mechanisms for administrative-territorial units, and also criticizes the current regulation, especially with regard to the replacement of the suspensive conditions of Law 273/2006 on local public finances (Art. 74 and Art. 75) with the presumptions of the Ordinance.

In CHAPTER VIII, Section 1 begins with an introduction to the concept of mismanagement of the administrative-territorial unit's budget, reviewing accountability in the spending of public money, in the sense that taxpayers' money should be spent in an economically efficient way. This means that it should be allocated to projects that deliver the highest return on investment in relation to economic growth, i.e. to create and retain jobs and other measurable outcomes. Subsection 1.1 provides a brief analysis of the sources of revenues due to the local public budget, while Subsection 1.2 discusses the public expenditures that can be found in the budget of administrative-territorial units. Section 2 is divided into three categories, Subsection 2.1. being devoted to the roles of local public authorities, namely the mayor and the local council, and the most important related duties. Subsection 2.2 details the role of the Court of Accounts in monitoring the efficient spending of local public resources, and the last Subsection, 2.3, gives a brief overview of the principles of administrative law that we considered the most important.

CHAPTER IX contains an overview of a variety of aspects of arrears, particularly from the perspective of national and international bodies such as the Fiscal Council, the Ministry of Public Finance and the International Monetary Fund. The mentioned bodies have produced a series of reports which are, in fact, analyses on various problems of the Romanian State, including issues related to arrears and the impact of their existence. The analysis in question does not refer strictly to the central level, but also considers the local level.

CHAPTER X, in Section 1, provides an explanatory memorandum on the impossibility of an administrative-territorial unit going bankrupt, even if the insolvency of these structures has been regulated at local level. Section 2, on the other hand, sets out the ways and facts for which the persons who are responsible for their commission may be held liable in the context of the financial crisis and insolvency of an administrative-territorial unit/subdivision.

In CHAPTER XI, we set out to analyze the competence of the courts of law to settle disputes arising from administrative acts issued or adopted by an administrative-territorial unit, in the context of a unit being either in financial crisis or in insolvency, as the case may be. More specifically, where exactly can an administrative act be challenged if the unit is in financial crisis or insolvency. Thus, Section 1 sets out the relevant theories, while Section 2 presents the view of the High Court of Cassation and Justice on the formulation of an appeal in the interest of the law.

CHAPTER XII begins in Section 1 with the presentation of the first situation in which an administrative-territorial unit went into insolvency, namely the town of Aninoasa, Hunedoara County, describing the causes that led to the triggering of this mechanism, as well as the steps taken after the opening of the insolvency proceedings. Section 2 covers the overall situation of the other administrative-territorial units, according to official data, as well as the draft law on their reorganization and is divided into two subsections. Thus, Subsection 2.1 deals with the administrative-territorial units that have either gone into financial crisis or insolvency, while Subsection 2.2 deals with the legislative course of the project submitted for administrative-territorial reorganization. Section 3 traces the appropriateness of the adoption of GEO no. 3/2013 on the regulation of some measures for the reduction of some arrears in the economy, other financial measures, as well as the amendment of some normative acts , in order to

analyze whether there was a need for a regulation in this regard, with advantages and disadvantages. Section 4 proposes the analysis of another recent regulation, but which may produce significant effects in the future, namely Law no. 186/2014 on the state budget for 2015, in parallel with the Government Decision no. 14/2015 on the distribution by administrative-territorial units of the amounts from the 18.5% share of income tax and the amounts deducted from the value added tax for balancing local budgets⁶.

The last part of the dissertation, CHAPTER XIII, deals with a brief analysis of three issues and legislative proposals. Thus, Section 1 presents the way in which the administrative-territorial units could be reorganized both territorially and, more importantly, administratively, with the consequences for the expenditure of local public resources. Section 2 deals with how the control of public money, in particular the external public audit mechanism, could be made more effective in order to prevent administrative-territorial units from entering into financial crisis or insolvency, as the case may be. Section 3 presents the possibility that the insolvency procedure could be replaced by the arrangement with creditors procedure, taking into account a number of similarities but also differences between the arrangement with creditors procedure and the Ordinance.

V. SELECTIVE BIBLIOGRAPHY

1. BOOKS / COURSES:

1. *Baias, Flavius-Antoni; Chelaru, Eugen; Constantinovici, Rodica; Macovei, Ioan (coordonatori); Piperea, Gheorghe; Perju, Pavel; Terzea Viorel și alții - „Noul Cod civil: comentariu pe articole”, Ed. C.H. Beck, București, 2012;*
2. *Bădescu, Mihai - „Teoria generală a dreptului. Curs universitar”, ed. a 7-a, Ed. Hamangiu, București, 2022;*
3. *Bălan, Emil - „Drept financiar”, ed. a 4-a, Ed. C. H. Beck, București, 2007;*
4. *Bogasiu, Gabriela - „Legea contenciosului administrativ: comentată și adnotată cu legislație, jurisprudență și doctrină”, ed. a 2 – a, Ed. Universul Juridic, București, 2014;*

⁶ Government Decision no. 14/2015 was published in the Official Gazette of Romania no. 41 of January 16, 2015, with subsequent amendments and additions.

5. *BuŃan, Radu; Malherbe, Jacques; Buliga, Mirela; Svidchipp, Natalia* - „Tratat de drept fiscal. Vol. II. Drept fiscal al Uniunii Europene”, Ed. Hamangiu, București, 2018;
6. *Cărpenu, Stanciu D.* - „Tratat de drept comercial român”, ed. a IV-a, Ed. Universul Juridic, București, 2014;
7. *Clipa, Cristian* - „Fundamentele ideologice ale dreptului administrativ. Volumul II. Tomul 1. Dialogurile”, Ed. Hamangiu, București, 2022;
8. *Clipa, Cristian* - „Fundamentele ideologice ale dreptului administrativ. Vol. al II-lea. Tomul 2. Specificitățile”, ed. a 2-a, Ed. Hamangiu, București, 2024;
9. *Craiovan, Ion* - „Tratat de teoria generală a dreptului”, ed. a III-a, revăzută și adăugită, Ed. Universul Juridic, București, 2015;
10. *Cristea, Virgil* - „Interpretarea și aplicarea normelor juridice”, Ed. C.H. Beck, București, 2014;
11. *Dogaru, Lucreția; Mihai, Gheorghe* - „Norma juridică și interpretarea ei”, Ed. Universul Juridic, București, 2014;
12. *Dogaru, Ion; Popa, Nicolae; Dănișor, Dan Claudiu; Cercel Sebastian (coordonatori)* - „Bazele dreptului civil. Volumul I. Teoria generală”, Ed. C.H. Beck, București, 2008;
13. *Grigoraș, Constantin* - „Contenciosul administrativ potrivit noului Cod de procedură civilă”, Ed. Hamangiu, București, 2014;
14. *Iorgovan, Antonie* - „Tratat de drept administrativ”, vol. I și II, ed. a 4-a, Ed. All Beck, București, 2005;
15. *Iorgovan, Antonie* - „Tratat de drept administrativ”, vol. I, Ed. Nemira, București, 1996;
16. *Muraru, Ioan; Tănăsescu, Elena Simina (coord.); Apostol Tofan, Dana; Baias, Flavius A.; Ciobanu, Viorel Mihai; Cioclei, Valerian; Condor, Ioan; Crișu, Anastasiu; Deaconu, Ștefan; Popescu, Andrei; Popescu, Sorin; Selejan-Guțan, Bianca; Tomescu, Milena; Vedinaș, Verginia; Vida, Ioan; Zamșa, Cristina* - „Constituția României. Comentariu pe articole”, Ed.C.H. Beck, București, 2008;
17. *Muraru, Ioan; Tănăsescu, Elena Simina* - „Drept constituțional și instituții politice”, ed. 13, volumul I, Ed. C.H. Beck, București, 2008;

18. *Podaru, Ovidiu* - „Drept administrativ. Volumul I. Actul administrativ. Repere noi pentru o teorie altfel. Tomul 1. Noțiune”, Ed. Hamangiu, București, 2022;
19. *Podaru Ovidiu; Boariu, Anca* - „Drept administrativ. Administrația publică. Actul administrativ. Note de curs și seminar”, ed. a 2-a, Ed. Hamangiu, București, 2023;
20. *Popa, Nicolae (coord.); Cristea, Simona; Eremia, Mihail-Constantin* - „Teoria generală a dreptului”, ed. a 2-a, revizuită și adăugită, Ed. ALL Beck, București, 2005;
21. *Popa, Nicolae* - „Teoria generală a dreptului”, ed. a 5-a, revizuită și adăugită, Ed. C.H. Beck, București, 2014;
22. *Popa, Nicolae (coord.); Anghel, Elena; Ene-Dinu, Cornelia Beatrice Gabriela; Spătaru-Negură, Laura* - „Teoria generală a dreptului: caiet de seminar”, ed. a 3-a, revăzută și adăugită, Ed. C.H. Beck, București, 2017;
23. *Popescu, Sofia; Iliescu, Dragoș* - „Probleme actuale ale metodologiei juridice”, Ed. Științifică și enciclopedică, București, 1979;
24. *Smith, Adam* - „Avuția națiunilor”, clasicii economiei: ediție selectată pentru cititorul contemporan; introd.: Tom Butler-Bowdon; trad.: Monica Mitarcă, Ed. Publica, București, 2011;
25. *Șaguna, Dan Drosu* - „Drept financiar public”, îngrijită și actualizată de prep. Univ. Drd. Bogdan Iacob, ed. a 4-a, Ed. C.H. Beck, București, 2011;
26. *Toader, Tudorel; Safta, Marieta* - „Dialogul judecătorilor constituționali”, Ed. Universul Juridic, București, 2015;
27. *Turcu, Ion* - „Legea procedurii insolvenței. Comentariu pe articole”, Ediția a 2-a, Ed. C.H. Beck, București, 2009;
28. *Vedinaș, Verginia* - „Drept administrativ”, ed. a VII-a, Ed. Universul Juridic, București, 2012.

2. ARTICLES:

1. *Anderson, Michelle Wilde* - „Dissolving Cities”, 121 Yale L.J. 1364, (2012);
2. *Clipa, Cristian* - „Some considerations regarding the legal regime of administrative acts adopted or, as the case may be, issued by the elected public authorities in the administrative-territorial units in a state of financial crisis or insolvency”, published

- in "Public Administration - between missions and budgetary constraints - Legal and managerial dimensions", Emil Bălan (Coord.), Wolters Klumer Romania, 2014;
3. *Crăciun, Flavia; Turcu, Ion*; - „Under controversy: the duties of the syndic-judge”, in Phoenix Magazine, no. 28-29/2009, article available online: <https://www.unpir.ro/documents/phoenix/pdf/revista28-29.pdf>, accessed on 07.02.2015;
 4. *Diehm, Jan; Abbey-Lambertz Kate; Woods, Ashley* - „Detroit Bankruptcy Infographic Breaks Down \$18 Billion Debt, Key Facts About City's Decline”, article published on 22.06.2014, found on the website https://www.huffpost.com/entry/detroit-bankruptcy-infographic-chart-debt_n_3625421, consulted on 09.06.2024.
 5. *Dobrițoiu, Elena-Roxana* - „Aspects regarding the origin of the separation of powers in the state in a historical-legal approach”, article published in the Annals of the "Constantin Brâncuși" University of Targu Jiu, Legal Science Series, nr. 1/2014, Ed. „Academica Brâncuși”, p. 83., available online: http://www.utgjiu.ro/revista/jur/pdf/2014-01/7_Elena-Roxana%20DOBRIȚOIU.pdf, accessed on 20.11.2018;
 6. *Gherghina, Simona* – „The role of concession contracts in financing public investments”, published in "Public administration - between missions and budgetary constraints - Legal and managerial dimensions”, *Emil Bălan* (Coord.), Ed. Wolters Klumer România, 2014;
 7. *Hancu, E.D.; Bucșă-Rați, M.* - „The duties of the liquidator in the light of Article 11 of the Insolvency Law no. 85/2006”, available on the following website: <http://juridice.ro/>:
<http://www.juridice.ro/234035/atributiile-judecatorului-sindic-in-lumina-prevederilor-art-11-din-legea-insolventei-nr-85-2006.html>, site consultat la data de 07.02.2015;
 8. *Kurtzleben, Danielle* - „Everything you need to know about the Detroit bankruptcy”, article published on 15.12.2014, found on <https://www.vox.com/2014/12/15/18073574/detroit-bankruptcy-pensions-municipal>, consulted on 09.06.2024;

9. *Lauzière, Lucie* - „Le sens ordinaire des mots comme règle d'interprétation” (1987), *Les Cahiers de droit*, 28(2), 367–395, available online on <https://www.erudit.org/fr/revues/cd1/1987-v28-n2-cd3771/042814ar.pdf>, accessed on 15.10.2022;
10. *Leibell, Vincent L. Jr.* - „The Chandler Act-Its Effect Upon the Law of Bankruptcy”, *The Fordham Law Archive of Scholarship and History*, 9 *Fordham L. Rev.* 380 (1940), available at the following web address: <https://ir.lawnet.fordham.edu/flr/vol9/iss3/5>, website consulted on 07.02.2022.
11. *McConnell, Michael W.; Picker, Randal C.* - „When Cities Go Broke: A Conceptual Introduction to Municipal Bankruptcy”, 60 *U. Chi. L. Rev.* 425 (1993);
12. *Schwarcz, Steven L.* - „A Minimalist Approach To State “Bankruptcy””, 59 *UCLA L. Rev.* 322, (Decembrie, 2011);
13. *Watkins, Elizabeth M.* - „In Defense Of The Chapter 9 Option: Exploring The Promise Of A Municipal Bankruptcy As A Mechanism For Structural Political Reform”, 39 *J. Legis.* 89, (2012-2013).

3. DICȚIONARIES:

1. *Antoniu, George; Bulai, Costică*, „ Dictionary of criminal law and criminal procedure”, Ed. Hamangiu, București, 2011;
2. *Săuleanu, Lucian; Rădulețu, Sebastian*, „ Dictionary of Latin legal terms and expressions”, ed. a 2-a, Ed. C.H. Beck, București, 2011.

4. ONLINE BIBLIOGRAPHY:

1. Constituția Statelor Unite ale Americii, adoptată de data de 21 iunie 1788, când New Hampshire a devenit al nouălea stat care a ratificat Constituția Statelor Unite ale Americii (Art. 1, secțiunea 8), disponibilă pe site-ul: <https://www.archives.gov/founding-docs/constitution-transcript>, accesat în data de 06.02.2022;
2. *Archibald, John* - „Water Works threatens to shut off water to city of Fairfield”, articol publicat în data de 31.05.2016, regăsit pe site-ul https://www.al.com/news/2016/05/water_works_threatens_to_shut.html, consultat în data de 18.07.2021;

3. *Chapman, Jeff; Lu, Adrienne; Timmerhoff, Logan* (Projects: State Fiscal Health) - „By the Numbers: A Look at Municipal Bankruptcies Over the Past 20 Years. How local governments handled fiscal distress and insolvency before the pandemic”, articol publicat în data de 06.07.2020, regăsit pe site-ul:
<https://www.pewtrusts.org/en/research-and-analysis/articles/2020/07/07/by-the-numbers-a-look-at-municipal-bankruptcies-over-the-past-20-years>, consultat în data de 18.07.2021;
4. Frazier-Lemke Farm Bankruptcy Act, disponibilă online pe site-ul:
<https://www.encyclopedia.com/history/dictionaries-thesauruses-pictures-and-press-releases/frazier-lemke-farm-bankruptcy-act>, site consultat la data de 07.02.2022;
5. Asociația Română a Băncilor: <http://www.arb.ro> (<http://www.arb.ro/insolventa/>), site consultat la data de 26.02.2015;
6. Raportul public pe anul 2013 al Curții de Conturi, elaborat și aprobat în decembrie 2014, de către Plenul Curții: <http://www.curteadeconturi.ro/>, site consultat la data de 15.02.2015;
7. Raportul de Țară al Fondului Monetar Internațional Nr. 15/80: <http://www.imf.org/>:
<https://www.imf.org/external/lang/romanian/pubs/ft/scr/2015/cr1580r.pdf>, site consultat în data de 06.06.2015;
8. Strategia Agenției Naționale de Administrare Fiscală pentru perioada 2021-2024, disponibilă online pe următoarea adresă web:
https://static.anaf.ro/static/10/Anaf/Informatii_R/StrategiaANAF_2021-2024_republ_19052021.pdf, site consultat în data de 09.06.2024;
9. Raportul A.N.A.F. de performanță pe anul 2022, disponibil online pe următoarea adresă web:
https://static.anaf.ro/static/10/Anaf/Informatii_R/Raport_performanta_2022_V6.pdf, site accesat în data de 09.06.2024;
10. Raportul de performanță A.N.A.F. pe anul 2023 - Direcția Generală Regională a Finanțelor Publice Brașov, disponibil online pe următoarea adresă web:
https://static.anaf.ro/static/10/Brasov/Brasov/Raport_performanta_2023.pdf, site accesat în data de 09.06.2024;
11. Raportul anual pe anul 2013 al Consiliului fiscal: <http://www.consiliulfiscal.ro/>:
<http://www.consiliulfiscal.ro/ra-2013.pdf>, site consultat în data de 06.06.2015;

12. Raport anual de analiză și prognoză – România 2015. 12 recomandări de bună guvernare, elaborat de Societatea Academică din România:
http://www.romaniacurata.ro/wp-content/uploads/2015/02/RAPORT-SAR-2015_FINAL.pdf, site consultat în data de 01.03.2015;
13. Bankruptcy Code – U.S. Code: Title 11 – BANKRUPTCY, reglementare disponibilă online pe site-ul: <https://www.law.cornell.edu/uscode/text/11>, site consultat în data de 16.03.2015;
14. *U.S. Congress*, „The Statutes at Large of the United States of America, from March 1933 to June 1934. Concurrent Resolutions. Recent Treaties and Conventions, Executive Proclamations and Agreements, Twenty-First Amendment to the Constitution”, publicat de Law Library Of Congress, Volumul 48 (1933-1934, al 73-lea Congres), disponibil pe următoarea adresă web: <https://www.loc.gov/item/lsl-v48/>, site consultat în data de 07.02.2022;
15. <https://lege5.ro/>;
16. <https://www.iccj.ro/>;
17. www.idrept.ro;
18. <https://www.ilegis.ro>;

5. LEGISLATION:

1. The Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Law no. 157 of December 3, 2014 on the ratification of Protocol no. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome on November 4, 1950, concluded in Strasbourg on June 24, 2013 and signed by Romania on June 24, 2013, published in the Official Gazette of Romania no. 886 of December 5, 2014;
2. Constitution of Romania, republished in the Official Gazette of Romania no. 767 of October 31, 2003;
3. The European Carta of Local Self-Government, ratified by Law no. 199/1997 for the ratification of the European Carta of Local Self-Government, adopted in Strasbourg on October 15, 1985, published in the Official Journal of Romania no. 331 of November 26, 1997;

4. Law No 31/1990 on Companies, republished in the Official Gazette of Romania No 1066 of November 17, 2004, with subsequent amendments and additions;
5. Law no. 273/2006 on local public finances, published in the Official Gazette of Romania no. 618 of July 2006, with subsequent amendments and additions;
6. Law No 286/2009 on the Criminal Code, published in the Official Gazette of Romania No 510 of July 24, 2009, with subsequent amendments and additions;
7. Law no. 287/2009 on the Civil Code, republished in the Official Gazette of Romania no. 505 of July 15, 2011, with subsequent amendments and additions;
8. Law no. 24/2000 on the rules of legislative technique for the drafting of normative acts, republished in the Official Gazette of Romania no. 260 of April 21, 2010, with subsequent amendments and additions;
9. Law no. 85/2014 on insolvency prevention and insolvency proceedings, published in the Official Gazette of Romania no. 466/2014, with subsequent amendments and additions;
10. Administrative Disputes Law no. 554/2004, published in the Official Gazette of Romania no. 1154 of December 7, 2004, with subsequent amendments and additions;
11. Law No 140/2013 on the approval of Government Ordinance No 3/2013 on the regulation of certain measures to reduce certain arrears in the economy, other financial measures, and amending certain normative acts, published in the Official Gazette of Romania No 248 of April 30, 2013.
12. Law no. 3/2000 on the organization and conduct of the referendum, published in the Official Journal of Romania no. 84 of 24 February 2000, with subsequent amendments and additions;
13. Law no. 500/2002 on public finances, published in the Official Gazette of Romania no. 597 of August 13, 2002, with subsequent amendments and additions;
14. Law No 270/2013 on amending and supplementing Law No 500/2002, published in the Official Gazette of Romania No 642 of October 18, 2013;
15. Government Ordinance 57/2019 on the Administrative Code, published in the Official Gazette of Romania no. 555 of July 5, 2019, with subsequent amendments and additions;

16. Government Ordinance no. 46/2013 on the financial crisis and insolvency of administrative-territorial units, published in the Official Gazette of Romania no. 299 of May 24, 2013, with subsequent amendments and additions;
17. Government Ordinance no. 3/2013 on the regulation of certain measures to reduce certain arrears in the economy, other financial measures, as well as amending certain normative acts, published in the Official Gazette of Romania no. 68 of January 31, 2013, with subsequent amendments and additions;
18. Government Decision no. 647/2013 on the establishment of essential public services at the level of administrative-territorial units, published in the Official Gazette of Romania no. 548 of August 29, 2013;
19. Decision no. 629/2022 issued by the Court of Accounts of Romania on the approval of the Regulation on the external public audit activity, published in the Official Gazette of Romania no. 12 of January 5, 2023.

6. JURISPRUDENCE:

1. Decision No 619/2016 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 6 of January 4, 2017;
2. Decision No 61/2017 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 219 of March 30, 2017;
3. Decision No 400/2004 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 1012 of November 3, 2004;
4. Decision No 491/2008 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 446 of June 13, 2008;
5. Decision No 358/2018 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 473 of June 7, 2018;
6. Decision No 53/2005 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 144 of February 17, 2005;
7. Decision No 435/2006 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 576 of July 4, 2006;
8. Decision No 297/2004 of the Constitutional Court of Romania, published in the Official Gazette of Romania No 756 of August 19, 2004;

9. Decision no. 9/2020 of the High Court of Cassation and Justice, published in the Official Gazette of Romania no. 548 of 25.06.2020;
10. Pepper v. Hart, available at <https://lawprof.co/public-law/separation-of-powers-cases/pepper-v-hart-1993-ac-593/>, accessed on 20.11.2022;
11. Decision No. 973/R/07.07.2009, rendered by the Court of Appeal Brasov, available on www.idrept.ro, consulted on 24.07.2020;
12. Judgment no. 3884/17.11.2009, handed down by the Bucharest Court of Appeal, available on www.idrept.ro, consulted on 24.07.2020;
13. Judgment no. 93/14.03.2019, rendered by the Caras Severin District Court, available on <https://www.ilegis.ro>, consulted on 09.05.2024;
14. Judgment no. 682/14.10.2013, handed down by the Olt District Court, available on <https://www.ilegis.ro>, website consulted on 09.05.2024;
15. Judgment no. 7890/19.12.2013, pronounced by Tribunal Vâlcea, available on <https://www.ilegis.ro>, website consulted on 09.05.2024;
16. Sentința nr. 136/16.04.2019 pronunțată de Tribunalul Brăila, available on <https://www.ilegis.ro>, site consulted on 09.05.2024;
17. Ruling no. 115/28.02.2017 issued by the Dolj District Court, available on <https://www.ilegis.ro>, website consulted on 09.05.2024.

VI. ANNEXES:

- Report on the causes and circumstances that led to the insolvency of the administrative-territorial unit of Aninoasa, Hunedoara County.