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EUROPEAN CRIMINAL LAW

BOOK REVIEW

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Aurora CIUCĂ¹

Our distinguished colleague, Professor Vasile Păvăleanu, who is the well-known author of the courses of General Criminal Law and Special Criminal Law [1], [2] and of the Handbook of Criminal Procedure Law [3], always concerned with the understanding and interpretation of what is new, generously offers us the volume European Criminal Law [4], a reference work in the field, the fruit of a long-lasting and appreciated activity.

As we all know, international criminal law represents the materialization of the dream of a Romanian jurist, V.V. Pella, who dared, 100 years ago, to suggest to the academic community the re-establishment of the world on the basis of peace accomplished by law. Criminality, as a common enemy of the civilized states, he said, creates a sense of international solidarity that must be used in order to "unify the fundamental principles governing the practice of repression." The fight against criminality and impunity must be a common goal for all the states.

Following the same approach, the idea of "reinforcing Europe through co-operation, on an equal basis, of all members of the community" belongs to the same Pella (though this is not a general known fact). European criminal law, or from national to international through regional, such as Titulescu would have said, is a reality nowadays. And that is thanks to the desire for peace of the states of the old continent. The Council of Europe and the European Union are, in fact, the organizations consolidated by the will of the states. That is why, when we talk about European criminal law, we are considering these two dimensions of inter-state collaboration.

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In the five titles of this extensive and highly documented paper, the author analyses the specificity of each of the two legal orders, sources, principles, evolution of institutions and regulations. He reviews the European criminal justice bodies (EUROPOL, CEPOL, EUROJUST, OLAF, FRONTEX, EUROSUR) and their missions and the role of the liaison-magistrates (Titles I and II).

A broad part is allocated to the objective of harmonization of the regulations from the field of cross-border crime (Title III), where the author analyses terrorism, human being trafficking and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of the payment means, cybercrime and organized crime. Each of these is addressed from a national, international (global) and European perspective.

The issue of the right to a free trial in European criminal law (Title IV) is extremely important in the economy of the paper. The author refers to the general guarantees of respecting the right to a fair trial, highlighting the principles of fairness, of the right to an independent and impartial tribunal, the right to be tried within a reasonable time, equality of arms and contradictoriness, presenting comparatively the European and national regulations. At the same time, he takes into account the specific guarantees of the right to a fair trial: the presumption of innocence and the right to defence. As it was only natural, everything is related to the ECHR case-law in the field and to the evolutionary presentation of the definitions and interpretations that the Court has formulated over the years. Basically, on this ground, the reinforcement of the relationship between the legal systems and the willingness of the states to join the European judicial system is obvious in this part. At the same time, it is the place of intersection between the criminal field of human rights (where the impact of the latter is huge, determining important mutations in the criminal process through the imperative of protecting human dignity).

Finally, the author pays attention to the issues of international cooperation in criminal matters (Title V). An old institution, that of extradition, and the "Copernican revolution" produced by the new European arrest warrant are presented as genuine pillars of European criminal cooperation. The need for their coexistence and the way in which they respond to the imperative of exercising repression and overcoming the impediments leading to impunity are extensively

explained and analysed in the light of the jurisprudential dialogue between the ECHR and the CJEU.

The final chapter of the last title is dedicated to issues related to the recognition and enforcement of criminal judgments in which the author presents comparatively, the evolution, the specific principles and the regulations adopted at the level of the Council of Europe, the European Union and the Romanian ones.

I can only conclude by congratulating the author and wishing him the power to continue for the benefit of students, practitioners of law, and of the science of criminal law. The clarity of his exposure, wealth of information, numerous jurisprudential sources are the strengths of this compelling book, which is a useful tool for the jurists of this millennium and for all those interested in the meaning of the European normative construction.

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