SOME CONSIDERATIONS CONCERNING THE EXERCISE OF POWERS ACCORDING TO CUZA STATUTE REGULATIONS

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Abstract:

Pending the adoption of the constitution of 1866, the state organization of the Romanian Principalities was influenced, to some extent, another significant moment, with an important role in the evolution of their constitutional and was adopted the Statute developer of Paris Convention 7/19 august 1858, known as the "Statute of Cuza" (1864). Statute of Cuza from 1864 has helped in creating modern constitutional base for the organisation of the state starting from a separation of powers in a state, through political and legal mechanisms, functionality, administration, which have had positive consequences over changes in social structures. Statute of Cuza includes rules concerning how state organisation, being identified and the principle of separation of powers.

Keyword: *separation of powers, Statute of Cuza, act with constitutional value, bicameral system.*

Through the double election of Alexander John Cuza, 5/24 January 1859, in Moldavia and Wallachia, the existence of the United principalities was a reality, and the abolition of the old regime and it was a fait accompli. Romanian society enter through this in a period of transition, characterised by an overall renewal and upgrading rapidly, primarily through the formation and organization of the Romanian State. [1].

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The name given by Alexander John Cuza Act of coup d ' état and approved by plebiscite, Developer Statute of Paris Convention, wanted to point out that, in terms of political status, the situation of the Romanian State remained unchanged.

He still remained under the guarantee of the great powers of Europe and under the suzerainty of the Porte, but on the internal organisation of the State, the Statute brought important changes in relation to the text of the Paris Convention (only to be understood in this sense appreciation A.D. Xenopol, after which the Statute was the Act of death of the Convention). [2].

Statute is considered by many authors as the first Constitution of Romania, including vernacular sometimes making allusion to the alien character default of the Convention, although, since the presentation of this Statute shall emphasize continuity and legitimacy of the Paris

Convention, which is and remains the basic law.

However, its innovative character lies in the fact that this act expresses manifestation of free wills of the Romanian people, he being approved and contracted together with electoral law through plebiscite. He, however, did not automatically entered into force, with the approval by plebiscite, to be subsequently approved by the guarantor powers which consistently Convention of 1858. Through diplomatic ability that characterize, Cuza has obtained the recognition of the status of the guarantor powers ambassadors, which with some reservations, give its consent by the Protocol to the Paris Conference in June 1864. [3].

The Statute defines the principle of legislative autonomy of the United Principalities, thus marking an important step towards full independence, proclaiming their stating that: the United Principalities may change in the future and change the laws concerning their administration with the legal contest inside all the powers laid down and without any intervențiune. The recognition of this important principle was offering in the future, the possibility of the Romanian nation to decide its own organization of political life of the State without interference from outside.

In the manifesto of 2 July 1864, Cuza ruler stated that, as a result of this constitutional act, Romania recovers its inner autonomy. So far, this autonomy was struck in several respects ... The High Contracting powers have now consented, in all autonomy, our inner expanse. [4].

Cuza Statute includes rules concerning how State Organisation, being identified and the principle of separation of powers.

Executive i gave additional powers to restrict the powers of the legislature and allow the Lord to legislate when it was necessary: the Lord have single initiative laws, allowing that, pending the convening of the new Assembly, on the proposal of the Council of Ministers and the Council of State decrees, regulations and gave the Government the right to pregnancy prepare the regulations of both chambers. It also allowed the Government to make acts of legislative competence of power when Parliament was not in session and emergency measures were necessary. This put an end to a parliamentary regime and the reversal of powers of the executive-legislative relationship. [5].

Thus, strengthens executive power in relation to legislative power, strengthens the authority of the Lord:

▪ The Lord sure initiative laws, which he prepares with the help of the State Council;

▪ for debating and voting on laws, set up a second legislative body, body ponderator, U.s. Senate;

▪ through its Constitution, the Senate is helping to strengthen presidential authority; It is composed of members of law enforcement bodies (Metropolitan and bishops, the President of the Court of Cassation, the oldest of the generals) and from 64 members appointed by the Lord.

▪ the President of the Executive Assembly (legislative) is appointed annually by the Prince, of her bosom, but Vice-President and Secretaries being elected by the Assembly; ▪ the President of the Senate is governed by the metropolitan, but of the two Vice-Chairpersons, one of which is called by the Lord, and the second, elected by the Senate;

▪ of the two bodies, only the Senate has the right to receive petitions. [6]

Lord, only head of executive power, retain the active role in the governance of the Convention conferred, given his Government's political subordination. The Government is preparing regulations of Elective Assembly and Senate. In a situation where the Government would have been forced to take emergency measures requiring Elective Assembly and Senate

contest, when they were not met in session, the Minister was obliged to obey them, at first, the reasons and the outcome measures.

The key State organ in the legal reform process on all levels, meant to help the Lord in his work, it was the Council of State. Established in February 1864 after a French model, the Council have multiple tasks that you exercise under the chairmanship of Lord. First, the law you mention as an auxiliary of the Executive having to draw up draft laws and regulations enforcement. This transform him into a man of most of the old central Committee from Focşani and Central Commission. Through this attribution, the Council was more an auxiliary of the Lord, alone in charge of legislative initiative and the issuing of regulations enforcement.

The main tasks of the Council were, however, in administrative matters. He was, on the one hand, an advisory body of the Lord, and Ministers in all administrative matters were subject to him; on the other hand, the Council became court officials from various disciplinary action for administrative branches, and may apply in order to reprimand, suspension and revocation of their provisional.

Does finally, Council of State turns in first instance administrative duties with what was set up in Romania. Imports from France has conducted legal, thus placing in Romanian law of parallel jurisdictions advocating French philosophy in terms of separation of powers in the State. Cuza aimed, through this method, a clear separation of the Executive from the judiciary, traditional administrative organization problem. Accordingly, and in our Council of State became part of the executive power and not of judicial power.

Accordingly, the text of the law was apparent more advisory nature of this State body. The explanation can be found in the intention of the legislator to the weather not to grant this body, part of the Executive, very large powers that would degenerate into arbitrariness. While in the legislature, contentious matters was the intention to make it more into an impartial arbiter between the citizen and the administrative authority, which is obliged to spread both sides involved in the dispute: the citizen should not abuse its right and authority to be heeded to retune the instrument or the judgment illegal. [7]

Legislative power is exercised collectively by the Lord, ponderatrice and elective Assembly , thus adopting the bicameral system. With regard to legislative initiative, it belonged to the Lord only, draft laws being prepared with Council of State contest and being subjected to Elective Assembly and the Senate toward a vote. Elective Assembly deputies they chose in accordance with the annexed Statute, regulation of the electoral Assembly calling themselves in each year of the Lord. Members of the Council of State could sustain in the face of the Assembly draft laws, and until the convening of the new Assembly, decrees issued by the Lord on the proposal of the Council of State had the force of law. Thus, the Lord combine powers executive and legislative acts, and may issue decrees without consulting the two rooms when the situation required special measures. [8]

Elective Assembly is composed of deputies elected and have the competence to debate and vote on the draft laws, exercising the exclusive right to vote on or amend State budget. The Senate was the role of the legislative body ponderator (ponderator Body), meaning that any Bill voted by the Assembly debate and was subjected to Elective voting Senate, except for budget revenue and expenditure. [9]

Under the Statute of Cuza, have been initiated and a number of judicial reforms, such as the penal code (2/14 December 1864), inspired by the French from 1810, the civil code, inspired

by the Napoleonic code and the italian, taking into account provisions of the old law, the law on judicial organisation, the law on the instruction, through which the Romanian education system became a unitary with primary steps (four years), compulsory and free secondary, for seven years, and the University for three years. [10]

Thus, the Statute of Cuza regulated political and constitutional organisation of Romania, taking into account social realities, national and international context, but also the wishes of the Romanians, and in view of the legal nature of the Statute, it may be considered an act of political-legal constitutional value.

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