

**UNIVERSITY OF CRAIOVA
FACULTY OF LAW AND ADMINISTRATIVE SCIENCES**

PhD THESIS

LEGISLATIVE DELEGATION. COMPARATIVE LAW STUDY

- SUMMARY -

DOCTORAL ADVISOR
prof. univ. dr. **Gheorghe Dănișor**

DOCTORAND
Alexandru Otilia Ștefana

C R A I O V A
2009

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BIBLIOGRAPHY

- A. Monographs
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- C. Other Works
- D. Laws and Parliament Regulations
- E. Constitutional Court's Decisions
- F. Dictionaries
- G. Internet
- H. Internet Sites of Parliaments and Constitutional Courts

SYNTHESIS OF THE THESIS MAIN SECTIONS

INTRODUCTION

The Importance and Topicality of the Research

The legislative delegation is a very important and current issue in our society. Throughout the present thesis we tried, within limits, to mainly overview the area of possible or existent constitutional democracy's malfunctions. We started this approach sincerely believing that pointing out these malfunctions could lead us to avoid them or at least to diminish them.

Very often, many educated opinions suggested that the state of law might show tide movements, being even considered that a degenerative process could transform the political systems, which entitled us to believe in a constitutional state crisis.

The subject proposed by the present thesis is to discuss some of our observations and opinions on the classic issues related to the Constitution, to democracy and their inter-relationship which is showed in the organization and functioning of the structures of power in our country.

To that respect, we started from the idea that the Constitution should mean not only a law that statutes on certain ways of organization and functioning of the powers in the state and their relationship with the citizens, but also a fundamental law that should reflect the two ideals written in the „Bill of Rights” even since the French Revolution in 1789 – which is granting the human rights and freedoms, and also the fact that the fundamental law should establish a structure for the authorities of collective decision which should envisage the separation of powers, more exactly the attributes distributed to different authorities, so that there could not be one public authority to have an absolute power.

In a State of law, no power should be able to reign over the others.

We considered of interest the fact that the concept of „government” is used more and more as a recourse, and that made us wondering if this is just „in style” or it maybe contains a reality that makes it special in the political and legal vocabulary.

Consequently, in the current political and legal context, we think that the whole issue of the mechanisms to approve laws is very important and even more important are the legal environment and the procedures by which the legislative power can delegate towards the executive power the approval of regulatory bills that have an ordinary legal force.

CHAPTER I - Overview on Exercise of Power in a State of Law

This first chapter has 4 sections: Section 1 – General Consideration on the Organization and Functioning of the State of Law; Section 2 – Principle of Separation of Powers in the State of Law – Genesis and Evolution; Section 3 – Delegation of the Legislative Power and Observation of Separation of Powers Principle in the State of Law; Section 4 – Partial Conclusions on Overview of Exercising the Power in the State of Law. The four sections are structured by paragraphs and sub-paragraphs.

Within this chapter we wish to highlight the obvious crisis of parliamentarism as a background to the extension of the attributes held by the executive power – sometimes an exaggerated one – as a mainly regulatory power. The unanimously ascertained consequence is the legislative inflation, in other words the quantitative amplification of legislation while is dramatically losing quality, which is reflected by the much too often modification of regulatory bills.

Having this in mind, we think that the legislative delegation, as the most important act of power delegation, has a very important role to play and the empirical study of how it is done might be of interest especially if we consider the restrictions of the classic interpretation of the principle *the separation of powers in the State of Law*.

Throughout this first chapter we try to show that the *national State* is a prototype that lead to diversified structures of power that are the summum of multiple realities. There is not *one state*, one unique type of the power structure to have been multiplied on all the continents; instead, there are types of State, with types of power structures, each of them reflecting the reality of their own society.

Mention should be made of the fact that a real scientific analysis on the present theme – the legislative delegation – could not be done by a one-science approach, may it be the constitutional law, but a inter-sciences one where philosophy, theory of law, politology and sociology play an important role.

CHAPTER II – The Parliament and Its Role in the State of Law

This second chapter is structured in 5 sections as follows: Section 1 – General Considerations on Exercising the Legislative Power; Section 2 – The Attribution of Representation; Section 3 – The Attribution of Decision Making; Section 4 – The Attribution of Control; Section 5 – Conclusions on the Role of Parliament in a State of Law. The sections are structured by paragraphs and sub-paragraphs.

Within the second chapter we try to show the evolution of the Parliament's role in a State of law. We start with some general considerations and then we speak about the Parliament's attributions in detail.

After having done the analysis in the second chapter, some questions come out: How the parliament members' role can be evaluated? The so much mentioned decline of parliaments is it real, and if yes, is it implacable? Are the Parliamentary Assemblies doomed to be only a theatre stage fell into disgrace? In order to find the answers to these questions, we have to get rid first of the myth that hovers over this kind of debate, that is the existence of a certain parliamentary golden age when parliaments – as the expression of the democratic will – were at the commands of the constitutional mechanism efficiently controlling the Government and reigning over the legislative process.

If we admit that some parliaments were obviously stronger or more influential in a certain time or in some countries (especially in Great Britain, USA and France), then this is relative. First of all, the power of parliament has been often exaggerated out of strategic reasons by those who were trying to create a more freedom oriented society, a less authoritarian society. To this respect, we speak about France where the British parliamentarism became a myth due to the national political fights.

In the second place, when these parliaments were strong or seemed to be strong they imperfectly fulfilled their main attribution – that is people’s representatives; the censitary suffrage, the electoral corruption, the pressure on the power already installed, etc., were the rule and not the exception to it. In the third place, we almost forgot that the parliamentary „decline” that we denounced today is actually very old.

If we accept not to take as obvious the so called foster parliamentary power, than the current situation seems to be less serious that it is often described.

First of all, the contemporary parliaments have seldom had the representation of today: the suffrage tends to be universal, the process of the elections is guaranteed all the time, the electoral cut is not always perfect but it becomes fair and better controlled by the western democracies. Even more, the members of Chamber of Deputies who are elected in a certain voting sections are closer and closer to the former ideal of the representative democracies: more and more they are the nation’s chosen ones due to their party’s integration and the media role who „nationalize” the issues and the debates. Even more, the parliaments are privileged forums of the political life and to this respect their prime time is far from shrinking, on the contrary it grew due to the written papers, to radio and TV which are the relays and the amplifiers of the parliamentary debate. This role is essential since the parliaments are the privileged place for debate on country’s issues, governmental policy and administration’s acts. Parliaments, in Europe at least, are the main places to recruit (and at least to legitimate) the governmental staff. The access to a governmental office is unthinkable (with rare exceptions) in Great Britain, Italy, Germany and France, if the quality had not been proved in the parliamentary clothes. USA only stands apart in this matter. Even more, the political parties’ growing importance in Europe contributes to the foundation of the relations and inter-relations between Government and Parliament, to the political staff’s professionalism, to the mediation of groups’ divergent opinions.

We think though, that the role of the members of parliament does not mean approving laws only. It rests first in deciding the party’s politics, in setting up the political agenda, in negotiating bills with the executive. Later on, the Parliament, either in assembly or in commissions, will modify more or less the governmental bills or parliamentary proposals. Basically, the distinction between the bills of governmental origin and the legislative proposals coming from the members of parliament is more formal than material. But the other way around works too, because governments cannot take into consideration the opinions expressed by the members of parliaments when preparing the bills. Very often, some of the governmental projects come to life from the context and the synthesis of the former legislative proposals.

The parliamentary decline is very often described being stronger especially in regards to the control function. But, without denying the difficulty that parliaments face sometime in exercising an efficient control, the parliamentary decline has been exaggerated by the dominant concept that control can be identified with the trust issue or the motion of censure.

The American example reminds us that an efficient control could be managed without the „political responsibility” in the parliamentary meaning of the word. At the same time, the Italian example highlights the fact that playing the „overthrowing the Government” game, is a way of

parties' settlement of accounts and not a real control on government act. Today, the real parliamentary control is exercised more often in conjunction with the public opinion and, without doubts, there have never been more efficient than it is now.

Therefore, the balance is more nuanced than it seems at first sight, if we consider that the intervention ways of parliaments are exercised in a very different institutional political and social context than when the assemblies were incepted. Consequently, we can state that parliaments have a central role in the western type democracy and their influence is limited within the narrow and formal space where politics is debated.

The possible conclusion to this chapter is that the Parliament might not be the unique decision centre, but it is for sure in the centre of the political stage nowadays and politics has a great influence on public politics which will materialize into decisions.

CHAPTER III – The Role of the Executive Power in the State of Law

The third chapter of the thesis is structured by 3 sections, as follows: Section 1 – General Consideration; Section 2 – The Typology of the Executive Powers; Section 3 – Conclusions on the Role of the Executive Power in the State of Law. The three sections are structured by paragraphs and sub-paragraphs.

Throughout the third chapter, we found out that governments, either of parliamentary regimes or presidential ones, represent a central element of the constitutional democracy system nowadays, due to many factors. First of all, the governments and the authorities or the public services (the bodies) that they control have enjoyed more offices, means and staff, with no equivalence in any other zone of power. At the beginning of XIX century, the employees of the American presidential staff and of the Federal government or the ones of the British government were similar in number with the ones in Congress and in Parliament. Today – in spite of the importance of American Congress services – the comparison will not make any sense other but to emphasize the differences that separate the means of the legislative from the ones of the executive.

In the second place, the modern process of decision-making, that needs fast actions and reactions, very often kept secret until their official publication, and which privileges the role of the parties and their leaders, makes the small teams stronger, in expense to the complicated structures as parliaments. Even in a very fragmented system as the one in the USA, the Congress still is a very important counterweight, the decisive role being the President's, though. If it is weak or in difficulty, then the whole federal system is disoriented.

At last the mutual counterweights that allowed the legislative to control the executive and the other way around, are more and more de-balanced. The minister's responsibility is no longer played and when it is (under a para-constitutional way as in Italy case), it doesn't represent the Parliament control but the fights between the parties or between different groups within the same party.

On the other hand, the executive's control procedures and the ones of constraint are still active and strong: the American president's right of veto, the expedited procedures in France or in Great Britain (engaging the government's responsibility on a bill due to art. 49 (3), the constitutional limitations). Even the famous *power of the purse* – the budget control, does not represent a weapon anymore, maybe as a limited solution. Even more, the strength of the partisan leadership and the more important role of the political groups give essential power elements to the presidents and heads of government, especially in the parliamentary systems. The members of the Parliament are actually depending more on the executive than the contrary.

This change of balance between the parliaments power and the governments' would be to much to lead us to the conclusion of the executives' almightyness. They face national and

international constrains, pressure from political parties or groups of interest and from their own administration, which represents considerable limits on their ability of command. The contemporary societies are complex and difficult which management does not usually allow changes but at the limit. In spite of some of the leader's ability of leading and their incontestable charisma, the governmental power is limited by the plurality of the actors involved in any politics and by the facts' resistance. It is only obvious that these should be the ones to whom we entrust the strongest power and capability (the Government and its administration), who should take the external counterweights due to the fact that the internal limitations on the exercise of power are eroded or out of date.

CHAPTER IV – The Relationship Between the Parliament and the Government – Theory and Practice. A Comparative Analysis

The fourth chapter is structured by 4 sections as follows: Section 1 – General considerations; Section 2 – The Stages of Legislative Co-operation Between the Parliament and the Government; Section 3 – Legislative Delegation an Exceptional Procedure to Exercise the Power; Section 4 – Systems of Control on Constitutionality. The four sections are structured by paragraphs and sub-paragraphs.

By the fourth chapter we reveal the practical aspects of the issue. The stages of the legislative process are described thoroughly, not only from the theory point of view but especially from the practical one. In order to approach the issue in a unique way, we present a logical schedule of the legislative process on a Parliament level followed by a series of graphic representations to support or not the opinions herein stated.

The legislative delegation is approached as an exceptional act of power exercise and we tried to present its evolution as a way of regulation from its first manifestations in our country as well as in other states to these days. The legal institution of the legislative delegation represents an important tool in exercising the power in a State of law and its applicability generates a series of situations that might lead to a slippage of the fundamental principles in a constitutional democracy.

It is unanimously accepted that the unique holder of the sovereignty is the people who exercise its power either directly, by referendum, or more often indirectly, by its representative bodies. The will thus expressed becomes a law as in a regulatory act of a primary order.

Initially, as we presented in details throughout the present thesis, elections take place in order to have a representative assembly as a constituent power and authority, that has the important role to „delegate the powers through the Constitution to the authorities constituted, that is the ones that exercise the three attributions of the State: the legislative, the executive and the jurisdictional. Once these powers delegated, they cannot be re-delegated by the will of their holders – *delegata potestas non delegatur*.

The State of law values: observing equality between citizens, their dignity and their freedoms, democracy and liberalism, the law power and limitation of the power by law, etc., are granted by setting up some formal mechanisms to „... limit the power by creating a strict legal frame. It is about the horizontal devolution of the power in the formal frame of separating the exercise of the State's attributions, the so-called separations of powers”.

Together with the vertical devolution, it generates for the different public authorities a gradual legal force in their way of reaction and by default a formal hierarchy as a guarantee to the validity and conformity of the norms.

At the end of this chapter we analyzed the constitutionality systems in different countries and in ours, and we also presented graphically some situations in our country.

CHAPTER V – Legislative Delegation – A SWOT Analysis

The fifth chapter of the PhD thesis being the last one, is structured by 4 sections, as follows: Section 1 – Preliminary Considerations; Section 2 – The Legal Regime of the Legislative Delegation after December 1989; Section 3 – A Practice Test. Legislative Delegation by Government Orders. The sections are structured by paragraphs and sub-paragraphs.

The SWOT analysis emphasized, hopefully in a concised way, the weak points of the legislative delegation on the Parliament level, where the primary regulatory ability is delegated from, as well as a Government practice, the beneficiary of the power delegation for primary regulation. We approached the legislative delegation by a SWOT analysis in order to highlight the weak points as well as the strong ones for the two fundamental institutions of the State involved in the lawmaking process, the Parliament and the Government.

It is our belief that the main, and maybe the most important malfunction of this legal institution – the legislative delegation – especially in regards to the urgency orders, lies in the ambiguity of the constitutional text regulating this issue, ambiguity and confusion aggravated by the modifications made by the Constitution revision in 2003.

CONCLUSIONS

Within the conclusions, we presented the main ideas coming out of the whole thesis, and based on these conclusions we stated a series of proposals for *lege ferenda* in order to clarify, first of all, the constitutional regulation on the legislative delegation and secondly all other components in the process.

Thus, the extension and consolidation of the legal institution of the legislative delegation takes place on the background of a strong crisis of the parliamentarism, of a legislative inflation and the extension of the regulatory attributes of the executive power.

The legislative delegation appeared initially in order to assure the continuity in exercising the power during war time or natural catastrophies, when it was difficult for the representative authority to function, and which extended the reason to be used in other type of situations that are in fact socially and economically oriented. Without denying the necessity of improving the efficient functioning of all State's authorities, including the executive ones, **in our opinion the main concern in modernizing the State of Law should be the consolidation of the constitutional democracy and this can be fulfilled mainly by consolidating the Parliament's role, the most important public authority that can guarantee the democracy in a State of Law.**

We cannot, in the name of improving the efficient functioning or the political management at the State's level, forget the lessons that history gave us and mostly, the fact that the State of Law in a strict way, might exist without democracy as long as the law is no longer the sovereign people's creation expressed by its representative bodies, but the creation of some groups of interest, of some oligarchy who reached the power by misappropriating the democratic principles and procedures.

Democracy is a way of government or a political regime which essence consists of some rules that establish mainly two things: who may approve collective decisions and what are the procedures to take these decisions. Unfortunately, too often the competency to decide trends to be distorted from a body of high representation as the Parliament to a another one, more restricted, as

the Government in which functioning anyone can see the symptoms of a sickness – that is present almost everywhere – the personalization of the power management as a logical consequence of the political fight personalization. **In our opinion, this is a pathological deformation of the structures of the constitutional democracy, as long as by this legal institution – the legislative delegation, the ratio of orders vs laws is of 90%, as the analysis in Chapter V shows.**

Also, the so-called legislative inflation is caused by abusively practising the legislative delegation where is mandatory in case of the simple orders to issue two laws, one before (the capability one) and the other after, to the Parliament's approval or rejection. Similarly, for the urgent orders an approval or rejection law is issued. If we keep in mind that many times the approval law states modification and/or completions, we can obviously see the negative consequences of abusively practicing the institution of legislative delegation.

We agree that the Parliament, although „the unique regulating authority of the country”, cannot succeed in this legislative renewal in the conditions of nowadays Romania when the entire law order should be changed. To this respect, the participation of the Government might be accepted at this stage, at least.

The Government participation in elaborating and adopting legal norms of primary order by using the institution of legislative delegation should observe the fundamental principles of the constitutional democracy within the limits and conditions provided by in using it, as a consequence of the Constitution revision in 2003. This does not necessarily mean that the current regulation should not be improved. On the contrary, as we stated throughout this thesis, there are ways of improving the regulating framework.

All the lege ferenda proposals regarding the improving the legal institution of legislative delegation should consider the fundamental conclusion coming out of this thesis, that is the necessity of improving the Parliament role, as the most important guarantee to a democracy in a State of Law.

By the present thesis, at the end of a large comparative research activity and an analysis of the real legislation delegation, we tried to emphasize its benefits in the exercise of power as well as our constitutional democracy's possible malfunctions, already existent or likely to appear in the future.

BIBLIOGRAPHY

A. MONOGRAPHS

1. **ADONIS Andrew** – *Parliament today*, Manchester University Press, 1990.
2. **ALEXANDRU Ioan, MATEI Lucica** – *Serviciile publice*, Ed. Economică, București, 2000.
3. **ALEXANDRU Ioan** – *Politică, Administrație, Justiție*, Ed. All Beck, București 2004.
4. **ALEXANDRU Ioan** – *Administrația publică, Teorii realități perspective*, ediția a IV-a, Ed. Lumina-Lex, București 2007.
5. **ALEXANDRU Ioan** – *Tratat de administrație publică*, Ed. Universul Juridic, București, 2008.
6. **ALEXANDRU Ioan, CĂRĂUȘAN Mihaela, BUCUR Sorin** – *Drept administrativ ediția a III-a revizuită și adăugită*, Ed. Universul Juridic, București, 2009 .
7. **ALEXIANU George** – *Curs de drept constituțional*, vol.I, Casa Școalelor, București 1930.
8. **APOSTOL-TOFAN Dana** – *Drept administrativ*, vol. I, Ed. All Beck, București, 2003.
9. **ARNIM Hans Herbert von** – *Staatslehre der B.R.D*, Verlag Vahlen, München, 1984.
10. **ARCY François d'** – *La représentation*, Ed. Economica, Paris, 1985.
11. **ARISTOTEL** – *Politica*, v. 10,3. Ed. Didot, Paris.

12. **AVRIL Pierre** - *Essais sur les partis*, L.G.D.J., Paris, 1986.
13. **AVRIL Pierre, GICQUEL Jean** – *Droit parlementaire*, III- ème édition, Ed. Montchrestien, Paris, 2004.
14. **BAGUENARD Jacques** – *L'état, une aventure incertaine*, Ed. Ellipses, Paris, 2000.
15. **BAILEY C.** – *The US Congress*, Blackwell, Oxford, 1990.
16. **BASTIT Michel** – *Naissance de la loi moderne*, PUF, 1990.
17. **BEYME Klaus von** – *The Political System of the German Federal Republic*, Farnborough, Hants Gower Press, 1983.
18. **BOC Emil** – *Separația puterilor în stat*, Ed. Presa universitară clujeană, Cluj-Napoca, 2000.
19. **BOGDANOR Vernon** – *Representative of the people ? Parliamentarians and Constituents in Western Democracies*, Aldershot, England: Gower, 1985.
20. **BURDEAU Georges** – *Droit constitutionnel et institutions politiques*, L.G.D.J, Paris, 1966.
21. **BURDEAU Georges** – *Traité de science politique*, vol.2, LGDJ, Paris, 1967.
22. **BOURDEAU Georges** – *Mannuel de Droit Constitutionnel et Institutions Politiques*, 20 édition L.G.D.S., 1984.
23. **CABANES Arnaud** – *Essai sur la Gouvernance publique*, Ed. Conalino, Paris, 2004.
24. **CADART Jacques** – *Institutions politiques et droit constitutionnel*, II- ème édition, Vol. I , Ed. L.G.D.J., Paris, 1979.
25. **CADART Jacques** – *Institutions politiques et droit constitutionnel*, III- ème édition, Vol. I și II, Ed. Economica, Paris, 1990.
26. **CAILLOSSE Jacques, HARDY Jacques** – *Droit et modernisation administrative*, Ed. La Documentation française, Paris, 2000.
27. **CAPITANT RENÉ** – *La reforme du parlementarisme*, Paris, 1936.
28. **CĂLINOIU Constanța, DUCULESCU Victor, DUCULESCU Georgeta** – *Tratat de teorie și practică parlamentară*, Vol. II, Ed. Lumina Lex, București, 2001.
29. **CĂLINOIU Constanța, DUCULESCU Victor** – *Drept parlamentar*, Ed. Lumina Lex, București, 2006.
30. **CĂLINOIU Constanța, DUCULESCU Victor, DUCULESCU Georgeta** – *Drept constituțional comparat*, Ediția a IV-a, Vol. I și II, Editura Lumina Lex, București 2007.
31. **CHALVIDAN Pierre Henri** – *Droit constitutionnel. Institution et Regimes Politiques*, Ed. Nathan, Paris, 1996.
32. **CHANTEBOUT Bernard** – *Droit constitutionnel et science politique*, XXII- ème édition, Ed. Armand Colin, Paris, 1995.
33. **CHAUVIN Francis** – *Administration de l'État*, Ed. Dalloz, Paris 2002.
34. **CHEVALLIER Jacques** – *La juridicisation des préceptes managériaux în Politiques et management public*, 1993.
35. **CHEVALLIER Jacques** – *L' État de droit*, 4-ème édition, Montchrestien, Paris, 2004.
36. **COBB Roger and ELDER Charles** – *Participation in American Politics, The Dynamics of Agenda-Building*, Allyn-Bacon, Boston, 1972.
37. **CONSTANT Benjamin** – *Les Principes de politique*, Ed. Hachette Pluriel, 2006.
38. **CONSTANT Benjamin** – *Despre libertatea la antici și la moderni*, discurs ținut la Ateneul Regal de la Paris, 1819.
39. **CONSTANTINESCU Mihai, DELEANU Ion, IORGOVAN Antonie, MURARU Ioan, VASILESCU Florin, VIDA Ioan** – *Constituția României, comentată și adnotată*, Regia Autonomă „Monitorul Oficial”, București 1992.
40. **CORCUFF Philippe** – *Les grands penseurs de la politique*, Ed. Armand Colin, 2005.

41. **CRISTE Mircea** – *Controlul constituționalității legilor în România – aspecte istorice și constituționale* – Ed. Lumina-Lex, București, 2002.
42. **CROZIER Michel** – *La Société bloquée*, Ed. Le Seuil, Paris, 1970.
43. **DALMASSO Thierry** – *La délégation de pouvoirs*, Ed. Joly, Paris, 2000.
44. **DĂNIȘOR Gheorghe** – *Filosofia dreptului la Hegel*, Ed. Ramuri, Craiova, 2001.
45. **DĂNIȘOR Gheorghe** – *Teoria generală a dreptului*, Ed. Themis, Craiova, 2007.
46. **DĂNIȘOR Gheorghe, DĂNIȘOR Dan Claudiu, DOGARU Ion** – *Teoria generală a dreptului*, Ediția a 2-a, Ed. C. H. Beck, București, 2008.
47. **DĂNIȘOR Dan Claudiu** – *Drept constituțional și instituții politice*, Vol.II, Editura Europa, Craiova, 1996.
48. **DĂNIȘOR Dan Claudiu** – *Drept constituțional și instituții politice*, Vol I, Ed. Sitech, Craiova, 2006.
49. **DĂNIȘOR Dan Claudiu** – *Drept Constituțional și instituții politice-Vol.I Teoria Generală – Tratat*, Ed. C. H. Beck 2007.
50. **DEL VECCHIO Giorgio** – *Lecții de filosofie juridică*, Ed.Europa Nova, București, 1994.
51. **DELEANU Ion** – *Instituții și proceduri constituționale*, Ed. C.H.Beck, București, 2006.
52. **DELEANU Ion** – *Drept constituțional și instituții politice*, București, 1991
53. **DELEANU Ion** – *Instituții și proceduri constituționale în dreptul românesc și în dreptul comparat*, Ed. C. H. Beck, București 2006.
54. **DISSESCU Constantin** – *Drept constituțional*, București, 1915.
55. **DISSESCU G. Constantin**– *Puterea și responsabilitatea guvernamentală în Constituția din 1923 în dezbaterile contemporanilor*, Ed. Humanitas, București 1990.
56. **DRĂGANU Tudor** – *Formele fundamentale ale statului socialist român*, Editura Științifică, București, 1965.
57. **DRĂGANU Tudor** – *Introducere în teoria și practica statului de drept*, Ed. Dacia, Cluj Napoca, 1992.
58. **DRĂGANU Tudor** – *Începuturile și dezvoltarea regimului parlamentar în România*, Ed. Dacia, Cluj Napoca 1995.
59. **DRĂGANU Tudor** – *Drept constituțional și instituții politice - Tratat elementar*, vol II, ed Lumina Lex 1998.
60. **DRĂGANU Tudor** – *Drept constituțional și instituții politice*, Ed. Lumina Lex, București, 1998.
61. **DRUON Maurice** – *Ordonnances pour un État malade*, Éditions de Fallois/Editions du Rocher, Paris, 2002.
62. **DUGUIT Leon** – *Traité de droit constitutionnel*, vol. I și II, Ed. Boccard, Paris 1923.
63. **FAVEREAU Olivier** – *La procéduralisation du droit et la théorie économique*, în **Ph. COPPENS, J. LENOBLE** (coord) – *Démocratie et procéduralisation*, Bruxelles, 2000.
64. **FLOREA Paul** – *Neconstituționalitatea – Excepția de neconstituționalitate în procesul civil*, Ed. Scripta, București, 1998.
65. **FOILLARD Philippe** – *Droit constitutionnel et institution politiques*, 11^e édition, Ed. Paradigme, Orléans, 2005.
66. **GAUCHET Marcel** – *L' avènement de la démocratie, I, La révolution moderne*, Ed. Gallimard, Paris, 2007.
67. **GAUCHET Marcel** – *La crise du libéralisme*, Ed. Gallimard, Paris, 2007.
68. **GILESCU Valentina** – *Drept administrativ*, volumul I, C.M.U.B, 1974.

69. **GILIA Claudia, IVANOFF Ivan Vasile, ALEXANDRU Ioan** – *Sisteme politico-administrative europene*, Ed. Bibliotheca, 2007.
70. **GILIA Claudia, IVANOFF Ivan Vasile, ALEXANDRU Ioan** – *Sisteme politico-administrative europene*, ediția a II-a revăzută și adăugită, Ed. Hamangiu, 2008.
71. **GREWE Constance, FABRI Hélène Ruiz** – *Droits constitutionnels européens*, Presses Universitaires de France, Paris, 1995.
72. **GICQUEL Jean** – *Droit constitutionnel et institutions politiques*, Ed. Monchrestien, Paris, 1985
73. **GICQUEL Jean** – *Droit constitutionnel et institutions politique*, Ed. Monchrestien, Paris, 1991
74. **GWYN William Brent** – *The meaning of Separation of Powers: an analysis of the doctrine from its origin to the adoption of the United States Constitution*, Tulane University, New Orleans, 1965.
75. **FAVOREU Louis** – *L'effet dissuasif de recours préventif en inconstitutionnalité în La Constitution et les valeurs. Mélanges en l'honneur de Dmitri Georges Lavroff*, Ed. Dalloz, 2005.
76. **FAVOREAU Louis, JOLOWICZ John-Anthony** – *Le contrôle juridictionnel des lois. Légitimité, effectivité et développement récents*, Paris, 1986.
77. **FAVOREAU Louis, JOLOWICZ John-Anthony** – *Cours constitutionnelles européennes et droits fondamentaux*, Ed. Economica, Paris, 1999.
78. **FIROIU V. Dumitru.**– *Istoria statului și dreptului românesc*, vol. II, Ed. Argonaut, Cluj Napoca 1998.
79. **FOILLARD Philippe** – *Droit constitutionnel et institutions politiques*, Ed. Paradigme, Paris, 2005.
80. **FROMAN A. Lewis** – *The Congressional Process. Strategies, Rules and Procedures*, Ed. Little Brown Boston, 1967.
81. **GREENSTEIN Fred** – *The Presidential Difference: Leadership Style from Roosevelt to George W. Bush*, 2nd Revised edition, Princeton University Press, 2004.
82. **HAMON Francis** – *Referendum: étude comparative*, Paris, L.G.D.J., 1995.
83. **HAQUET Arnaud** – *La loi et le règlement*, Ed. L.G.D.J, Paris, 2007.
84. **HAURIOU Maurice** – *Précis de droit constitutionnel*, 2- ème édition, Ed. Librairie du Recueil Sirey, Paris, 1929.
85. **HOURION Maurice** – *Droit constitutionnel et institutions politiques*, Editions Monchestien, Paris, 1968.
86. **IONESCU Cristian** – *Sisteme constituționale contemporane*, Ed. Șansa, București, 1994.
87. **IONESCU Cristian** – *Principii fundamentale ale democrației constituționale*, Ed. Lumina Lex, București, 1997.
88. **IONESCU Cristian** – *Drept constituțional și instituții politice*, vol. II, Ed. Lumina-Lex, București 1997.
89. **IONESCU Cristian** – *Regimul politic în România*, Ed. All Beck, București, 2002.
90. **IONESCU Cristian** – *Tratat de drept constituțional contemporan* – Ed. All Beck, București, 2003.
91. **IONESCU Cristian** – *Constituția României. Legea de revizuire comentată și adnotată cu dezbateri parlamentare*, Ed. All Beck, București, 2004.
92. **IONESCU Cristian** – *Regimuri politice contemporane*, Ed. All Beck, București, 2004.

93. **IONESCU Cristian** – *Tratat de drept constituțional contemporan* – ediția a II-a, Ed. C. H. Beck, București, 2008.
94. **IONESCU Romulus** – *Drept administrativ*, Ed. Didactică și Pedagogică, București, 1970.
95. **IORGOVAN Antonie, GILESCU Valentina** – *Drept administrativ și știința administrației*, Tipografia Universității București, 1986.
96. **IORGOVAN Antonie** – *Drept constituțional și instituții politice. Teoria generală*, Ed. Galeriile J.L. Calderon, București, 1994.
97. **IORGOVAN Antonie** – *Tratat de drept administrativ*, volumul I, Ed. Nemira, București, 1996.
98. **IORGOVAN Antonie, CONSTANTINESCU Mihai, MURARU Ioan** – *Revizuirea Constituției României – Explicații și comentarii* –, Editura Rosetti, 2003.
99. **IORGOVAN Antonie, CONSTANTINESCU Mihai, MURARU Ioan, TĂNĂSESCU Elena Simina** – *Constituția României revizuită - comentarii și explicații*, Ed. All Beck, București, 2004.
100. **KEEFE J. William, OGUL S. Morris** – *The American Legislative Process. Congress and the States*, Englewood Cliffs, N.J., Prentice Hall, 1985.
101. **KELSEN Hans** – *Théorie generale de norme*, PUF, 1996.
102. **KELSEN Hans** – *Doctrina pură a dreptului*, Ed. Humanitas, București, 2001.
103. **KORNACKI J. John** – *Leading Congress: New Styles, New Strategies*, Washington D.C., Congressional Quarterly Press, 1990.
104. **LALUMIÈRE Pierre, DEMICHEL André** – *Les régimes parlementaires européens*, PUF, Paris, 1966.
105. **LAUFER Romain** – *Management public et modernisation de l'État*, în *L'administration française est-elle en crise?*, Ed. P. Muller, L' Harmattan, 1992.
106. **LAUVAUX Philippe** – *Les grandes démocraties contemporaines*, 3 - ème édition, Presses Universitaires de France, 2004.
107. **LECLERQ Claude** – *Droit constitutionnel et institutions politiques*, X-ème édition, Ed. Litec, Paris, 1999.
108. **LENIN Vladimir Ilici** – *Opere*, volumul 24, E.P.L.P., București, 1954.
109. **LEPĂDĂTESCU Mircea** – *Sistemul organelor statului în R.S.R.*, Ed. Științifică, București, 1966.
110. **LEPĂDĂTESCU Mircea** – *Teoria generală a controlului constituționalității legilor*, Ed. Didactică și Pedagogică, București, 1974.
111. **LONGUET Claire-Emmanuelle** – *Le Congrès des États-Unis*, PUF, Paris, 1989.
112. **LOWI Theodore** – *The Personal President: Power Invested, Promise Unfulfilled*, Ithaca, New York, Cornell University Press, 1985.
113. **LOWI Theodore** – *Presidential Power: Restoring the Balance*, Political Science Quarterly, 100, 1985.
114. **MACAREL M. Louis Antoine** - *Cours de droit administrative*, 4-ème vol, Thorel, 2- ème édition, 1848.
115. **MALBERG René Carré de** – *Contribution a la théorie générale de l'État*, 2-ème vol, Ed. Librairie du Recueil Sirey, Paris, 1920-1922, reeditat C.N.R.S, 1962.
116. **MALBERG René Carré de** – *La loi, expression de la volonté générale*, Ed. Economica, 1984.
117. **MANIN Bernard** – *Principes du gouvernement représentatif*, Ed. Calmann-Lévy, Paris, 1995.

118. **MARC-LIPIANSKI Mireille** – *Crises et Crise*, Presses d' Europe, Nice, 1997.
119. **MARX Karl, ENGELS Friedrich** – *Opere*, volumul 4, Ed. politică, București, 1963.
120. **MATEI Lucica** – *Management public*, ediția a II-a, Editura Economică, București, 2006.
121. **MATHIOT André** – *Institutions politiques comparées: le pouvoir législatif dans les démocraties de type occidental, les Cours de droit 1974*, Institute d' études politiques, Paris, 1973-74.
122. **MATHIOT André** – *Le pouvoir exécutif dans les démocraties d'Occident*, Centre de polycopie, Université de Paris, Panthéon-Sorbonne, Cours de Droit, Paris, 1973-1974.
123. **MAYHEW David** – *Congress. The Electoral Connection*, New Haven, Yale University Press, 1974.
124. **MENNEL Stephen** – *Sociological Theory. Uses and Unities*, New York, Washington Praeger Publishers, 1974.
125. **MENY Yves, SUREL Yves** – *Politique comparées*, 8-ème édition, Ed. Montehrestien, Paris, 2009.
126. **MONTESQUIEU** – *De l'Ésprit de loi*, 1748.
127. **MURARU Ioan** – *Drept constituțional și instituții politice*, Ed. Actami, București, 1993.
128. **MURARU Ioan, CONSTANTINESCU Mihai** – *Studii constituționale*, Ed. Actami, București 1993.
129. **MURARU Ioan** – *Drept constituțional și instituții politice, vol I*, Ed. Actami, București, 1995.
130. **MURARU Ioan** – *Drept constituțional și instituții politice* – Ed. Actami, București, 1997.
131. **MURARU Ioan, CONSTANTINESCU Mihai** – *Ordonanța guvernamentală. Doctrină și jurisprudență*, Ediția a II-a revăzută și completată, Ed. Lumina-Lex, București 2002.
132. **MURARU Ioan, TĂNĂSESCU Simina** – *Drept constituțional și instituții politice*, ediția a X-a revăzută și completată, Ed. Lumina-Lex, București, 2002.
133. **MURARU Ioan, CONSTANTINESCU Mihai** – *Drept parlamentar românesc*, Ed. All Beck, București, 2005.
134. **MURARU Ioan, TĂNĂSESCU Simina** – *Drept constituțional și instituții politice*, vol. I și II, Ed. All Beck, București, 2005.
135. **NEGULESCU Paul** – *Curs de drept constituțional român*, București 1927.
136. **NEGULESCU Paul** – *Tratat de drept administrativ român*, vol I, Tipografiile Române Unite, București, 1925.
137. **NEUSTADT Richard** – *Presidential Power: The Politics of Leadership from Ford to Carter*, New York, Wiley, 1980.
138. **ONIGA Tudor** – *Delegarea legislativă*, Ed. Universul Juridic, București, 2009.
139. **OST François** – *Raconter la loi*, Ed. Odile Jacob, 2004.
140. **PACTET Pierre** – *Institution politiques. Droit constitutionnel*, 16-ème édition, Ed. Armand Colin, Paris, 1997.
141. **PACTET Pierre, SOUCRAMANIEN Ferdinand Mélin** – *Droit constitutionnel*, 26-ème édition, Ed. Dalloz, 2007.
142. **PARSONS Talcott** – *Reflections on the Place of Force in Social Problems*, New York, 1964.

143. **PARSONS Talcott** – *The Political Aspect of Social Structure*, Prentice Hall, 1966.
144. **PARSONS Talcott** – *Societies. Evolutionary and Comparative Perspectives*, Englewood Cliffs, Prentice Hall, 1976.
145. **PASQUINO Gianfranco** – *Il bicameralismo imperfetto*, Ed. Il Mulino, Bologna, 1990.
146. **PHILLIPS Anne** – *The Politics of Presence*, Clarendon Press, Oxford, 1995.
147. **PLATON** – *Republica*, în *Opere* vol. V, Editura Științifică și Enciclopedică, București, 1986.
148. **POMBENI Paolo** – *Introduction a l'histoire des parties politiques*, Paris, PUF, 1992.
149. **POPA Nicolae** – *Teoria generală a dreptului*, Ed. C.H.Beck, București, 2002.
150. **POPA Nicolae, DOGARU Ion, DĂNIȘOR Gheorghe, DĂNIȘOR Dan Claudiu** – *Filosofia dreptului – Marile curente*, Ed. All Beck, București, 2002.
151. **PORTELLI Hugues** – *Droit Constitutionnel*, 3-ème édition, Ed. Dalloz, 1999.
152. **PRÉLOT Marcel, BOULOUIS Jean** – *Institutions politiques et droit constitutionnel*, X-ème édition, Ed. Dalloz, Paris, 1987.
153. **PRINS Adolphe** – *La Démocratie et le régime parlementaire*, Bruxelles, 1884.
154. **RENAUT Alain** – *Era individului*, Ed. Institutul European, 1998.
155. **RENAUT Alain** (coord) – *Histoire de la philosophie politique, vol IV - Les critiques de la modernité politique*, Ed. Calmann-Lévy, 1999.
156. **RIKER H. William** – *Federalism: Origin, Operation, Significance*, Boston, Little Brown, 1964.
157. **RIVERO Jean** – *Droit administratif*, XII-ème édition, Ed. Daloz, Paris, 1985.
158. **RIVERO Jean, WALINE Jean** – *Droit administratif*, 20 édition, Ed. Dalloz, Paris 2004.
159. **ROMANO Santi** – *Lo stato moderno et la sua crisi, saggi di diritto costituzionale*, Milan Giuffrè, 1969.
160. **ROSE Richard** – *Government against Subgovernments* in Richard Rose, Suleiman E.,(dir) - *Presidents and Prime Ministers*, Washington, American Enterprise Institute, 1980.
161. **ROSSITER Clinton** – *The American Presidency*, New York: Harcourt, Brace Jovanovitch, 1960.
162. **ROUSSEAU Jean Jacques** – *Contractul social*, Cartea I, cap. VI.
163. **ROUSSEAU Jean Jacques** – *Du Contrat Social*, 1762, Cartea a III-a.
164. **SABEL Robbie** – *Procedure at International Conferences*, Ed. Cambridge University Press, 2006.
165. **SAALFELD Thomas** – *The West German Bundestag after 40 Years*, West European Politics, vol. 13, 1990
166. **SERVENT Pierre** – *Le travail parlementaire sous la V-ème République*, Ed. Montchrestien, Paris, 2004.
167. **SHLESINGER Arthur** – *The Imperial Presidency*, Boston, Popular Library, 1974.
168. **SIMON A. Herbert** – *Administration et processus de décision*, Ed. Economica, Paris 1983.
169. **SMITH Gordon** – *Democracy in Western Germany*, London, Heinemann, 1979
170. **SMITH Gordon** – *Politics in Western Europe*,. Ed. Heinemann, London, 1989
171. **STAN Apostol** – *Puterea politică și democrația în România 1858–1918*, Ed. Albatros, 1995

172. **STUDENICHIN S. S.** – *Drept administrativ sovietic*, E.S.P.L.P.
173. **SUNDQUIST James** – *But the System won* in Myclos Salamon and M.S Lund. (dir.) - *The Reagan Presidency and the Governing of America*, Washington, The Urban Institute Press, 1984.
174. **TEODORESCU Anibal** – *Tratat de drept administrativ*, vol. I, Institutul de Arte Grafice, București 1929.
175. **TIMSIT Gérard** – *L'administration* in **GRAWITZ M., LECA J.**, *Traité de science politique*, PUF, 1985.
176. **TRAVERSA Silvio** – *Il Parlamento nella Costituzione e nella prassi*, Ed. Giuffre, Milano, 1990.
177. **TROPER Michel** – *Pour une théorie juridique de l'État*, PUF, 1994.
178. **VASILESCU Florin Bucur** – *Constituționalitate și constituționalism*, Ed. Național, București 1999.
179. **VIDA Ioan** – *Procedura legislativă*, ediție sub egida Parlamentului României, București, 1999.
180. **VIDA Ioan** – *Procedura legislativă*, Ed. Crater, București 1999.
181. **VIDA Ioan** – *Manual de logică formală – Introducere în tehnica și procedura legislativă*, Ed. Lumina Lex, București, 2000.
182. **VILE M.J.C** – *Constitutionalism and the Separation of Powers*, second edition, Liberty Fund, Indianapolis, 1998.
183. **VÎNTU Ion, ANGHENE Mircea, STRĂOANU Mircea** – *Organele administrației de stat în Republica Socialistă România*, Ed. Academiei R.S.R., București, 1971.
184. **VRABIE Genoveva** – *Drept constituțional și instituții politice contemporane*, Ed. Chemarea, Iași 1992.
185. **VRABIE Genoveva** – *Drept constituțional și instituții politice*, Ed. Ștefan Procopiu, Iași, 1993.
186. **VRABIE Genoveva** (coordonator) – *Les régimes politiques des pays de l'U.E. et de la Roumanie*, Ed. Regia Autonomă Monitorul Oficial, 2002.
187. **ZANDER Michael** – *The Law-making Process*, Ed. Weidenfeld & Nicholson, London, 1990.
188. **ZILLER Jacques** – *Administrations comparées. Les systèmes politico-administratifs de l'Europe des douze* Ed. Montchrestien, Paris, 1993.
189. **ZIPPELIUS Reinhold** – *Allgemeine Staatslehre*, 12 Aufl., Verlag C.H.Beck, München, 1985.

B. ESSAYS AND ARTICLES IN SPECIALITY REVUES

1. **APOSTOL Dana** – *Despre natura juridică și regimul juridic aplicabil ordonanțelor Guvernului*, în *Revista de Drept Public* ianuarie – iunie 1995, nr. 1/1995, Ed. Atlas T&T, București 1995.
2. **APOSTOL TOFAN Dana** – *Considerații în legătură cu regimul juridic aplicabil ordonanțelor Guvernului*, în *revista Dreptul*, nr. 4/1998, București, 1998.
3. **BAUMGARTNER Frank** – *Parliament's capacity to expand political controversy in France*, *Legislative Studies, Quarterly* XII,1, 1987.
4. **BODOAȘCĂ Teodor** – *Paradoxul ordonanțelor de urgență care reglementează domenii ce fac obiectul legilor organice*, în *Revista Juridica*, nr. 9-10/2001, București 2001.

5. **BOVERO Michelangelo** – *La democrazia di AGILULFO*, în *La Stampa*, pag. 27, 11 aprilie 2005.
6. **BRAD Ion** – *Inadmisibilitatea promovării prin ordonanță de urgență a unor prevederi din cuprinsul proiectelor de lege adoptate prin angajarea răspunderii Guvernului*, în *Revista Dreptul*, nr. 7/2006, București, 2006.
7. **BRAVEMAN Daan** – *Chadha: The Supreme Court as Umpire in Separation of Powers Disputes*, în *Syracuse Law Review*, vol. 35, nr. 2, 1984.
8. **CALISE M., MANNHEIMER R.** – *Misurare i governi: la distribuzione territoriale dei governanti italiani, 1948-1978*, în *Il Mulino*, no. 4/1981.
9. **CHEVALLIER Jacques** – *La Juridicisation des préceptes managériaux*, în revista *Politiques et management public*, nr. 4, 1993.
10. **CONSTANTINESCU Mihai** – *Conținutul Ordonanței de urgență a Guvernului*, în *Revista Dreptul*, nr. 8/1998, București, 1998.
11. **CROZIER Michel** – *L' État modeste, une grande ambition*, în *Revista Politiques et Management Public*, nr. 2, 1989.
12. **COURVOISIER Claude, DĂNIȘOR Diana** – *Idealul legii rare*, în *Revista de Drept Public* nr.4/2003.
13. **DAHRENDORF Ralf** – *Libertatea de exprimare pe banca acuzaților*, sursa:www.project-commentary/dahrendorf/french.
14. **DĂNIȘOR Gheorghe** – *Gândirea lui John Locke despre stat și drept*, în *Revista de științe juridice*, Craiova, 2000.
15. **DĂNIȘOR Gheorghe** – *Condițiile de validitate ale dreptului*, în *Revista de Științe Juridice* nr. 18/2000, Craiova
16. **DELEANU Ion** – *Delegarea legislativă – Ordonanțele de urgență ale Guvernului*, în *Revista Dreptul*, nr. 9/2000, București, 2000.
17. **DELEANU Ion** – *Construcția judiciară a normei juridice*, în *Revista Dreptul*, nr. 8/2004.
18. **DELEANU Ion** – *Unele observații cu privire la constituționalitatea ordonanțelor de urgență*, în *Curierul judiciar*, nr. 6/2006, București, 2006.
19. **DOUAT Etienne** – *Droit constitutionnel financier*, Editions du Juris- classeurs administratifs, fascicull 1461.
20. **FABRE Goyard** - *Genèse et déclin de l'État* în *Revue Archives de Philosophie du Droit*, Ed. Syrei, Paris, 1976.
21. **GEANGU Florentina, DRAGOMIRESCU Gabriela** – *Practica jurisdicțională a Curții Constituționale*, în *Revista de Drept Public* ianuarie –iunie 1995, nr. 1/1995, București 1995.
22. **IONESCU Cristian** – *Clasificarea și analiza tipologică a regimurilor politice contemporane*, în *Revista de Drept Public* ianuarie –iunie 1995, nr. 1/1995, București 1995.
23. **IORGOVAN Antonie, APOSTOL TOFAN Dana** – *Delegarea legislativă în România. Analiză comparativă în raport cu statele occidentale*, în *Revista de Drept Public* nr. 1/2001, București 2001.
24. **KRENT J. Harold** – *Separating the Strands in Separation of Powers Controversies*, în *Virginia Law Review*, vol.74, nr. 7, 1988.
25. **MARC-LIPIANSKY Mireille** – *Crisis et bureaucratie și L' État en question*, în *L'Europe en formation*, nr. 205/1986 și nr. 293/1994.
26. **MURARU Ioan, CONSTANTINESCU Mihai** – *Jurisdicția constituțională în România*, în *Revista de Drept Public*, nr. 1/1995, București 1995.

27. **MURARU Ioan, CONSTANTINESCU Mihai** – *Aprobarea ordonanței de urgență*, în Revista Dreptul, nr. 7/1998, București, 1998.
28. **POPA Nicolae** – *Jurisprudența Curții Constituționale. Delegarea legislativă. Ordonanța Guvernului. Condiții. Limite*, în Revista de drept public, nr. 3/2003.
29. **POPESCU Corneliu Liviu** – *Jurisprudența Curții Constituționale în materia delegării legislative privind ratificarea tratatelor internaționale*, în Revista Dreptul, nr. 1/1999, București, 1999.
30. **POPESCU Corneliu Liviu** – *Respingerea prin lege a unei ordonanțe a Guvernului declarate anterior ca fiind neconstituțională*, în Revista Dreptul, nr. 8/2002, București, 2002.
31. **POPESCU Corneliu Liviu** – *Data intrării în vigoare a actelor normative, în lumina dispozițiilor constituționale revizuite*, în Revista Dreptul, nr. 4/2004, București, 2004.
32. **POPESCU Corneliu Liviu** – *Domeniile de reglementare care nu pot face obiectul ordonanțelor de urgență ale Guvernului*, în Revista Dreptul, nr. 4/2006, București, 2006.
33. **SAMOȘENKO I. I.** – *Formele juridice de înlăptuire a funcțiilor statului sovietic*, în Statul și dreptul sovietic, nr. 3, 1956.
34. **STOCKER Gerry** – *Cinq propositions pour une théorie de la gouvernance* în Revue internationale de sciences sociales no. 155, mars 1998,
35. **ȘINC Alexandru Basarab** – *Considerații privind practica delegării legislative*, în Revista Dreptul, nr. 4/1994, București, 1994.
36. **ȘTEFĂNESCU Ion Traian** – *Constituția României privitoare la domeniile în care nu pot fi adoptate ordonanțe de urgență ale Guvernului*, în Revista de drept comercial, nr. 6/2006, București, 2006.
37. **COHEN Tanugi Laurent** – *Le droit sans l'État. Sur la démocratie en France et en Amérique*, PUF, coll. Recherches politiques, Paris, 1985.
38. **VIDA Ioan** – *Delegarea legislativă*, în Studii de drept românesc iulie – decembrie, nr.3-4/1999, Ed. Academiei Române, București, 1999.
39. **VIDA Ioan** – *Antinomii intraconstituționale*, Pandectele Române nr. 1/2004.

C. OTHER WORKS

1. *Geneza Constituției României, 1991 – Lucrările Adunării Constituante* –, Regia Autonomă „Monitorul Oficial”, București, 1998. Raportul final al forumului constituțional.
2. *Curtea Constituțională – Decizii de constatare a neconstituționalității 1992-1998, 1999 – 2003, 2004-2006*, Vol. I, II și III, Ed. CH.Beck 2007.
3. *Le domaine de la loi et du règlement*, 2-ème édition, Presses universitaire d’Aix-Marseille – Ed. Economica, Paris, 1981.
4. Raportul Comisiei Prezidențiale de Analiză a Regimului Politic și Constituțional din România.

D. LAWS AND PARLIAMENTARY REGULATIONS

1. *Constituția României*, republicată.
2. *Legea nr. 47/1992 privind organizarea și funcționarea Curții Constituționale*, republicată în Monitorul Oficial al României, Partea I, nr. 643 din 16 iulie 2004.
3. *Legea nr. 73/1993 pentru înființarea, organizarea și funcționarea Consiliului Legislativ*, republicată în Monitorul Oficial al României, Partea I, nr. 112 din 29 noiembrie 2004.

4. *Legea nr. 24/2000 privind normele de tehnică legislativă pentru elaborarea actelor normative*, republicată, în Monitorul Oficial al României, Partea I, nr. 777 din 25 august 2004, cu modificările și completările ulterioare.
5. *Legea nr. 90/2001 privind organizarea și funcționarea Guvernului României și a ministerelor*, cu modificările și completările ulterioare.
6. *Legea nr. 590/2003 privind tratatele*, publicată în Monitorul Oficial al României, Partea I, nr. 23 din 12 ianuarie 2004.
7. *Legea nr. 35/2008 pentru alegerea Camerei Deputaților și a Senatului și pentru modificarea și completarea Legii nr. 67/2004 pentru alegerea autorităților administrației publice locale, a Legii administrației publice locale nr. 215/2001 și a Legii nr. 393/2004 privind Statutul aleșilor locali*, publicată în Monitorul Oficial al României, Partea I, nr. 196 din 13 martie 2008, cu modificările și completările ulterioare.
8. *Regulamentul de organizare și funcționare a Curții Constituționale*, publicat în Monitorul Oficial al României, Partea I, nr. 116 din 4 februarie 2005.
9. *Regulamentul Camerei Deputaților*, republicat în Monitorul Oficial al României, Partea I, nr. 35 din 16 ianuarie 2006, cu modificările ulterioare.
10. *Regulamentul Senatului*, publicat în Monitorul Oficial al României, Partea I, nr. 948 din 25 octombrie 2005, cu modificările ulterioare.
11. *Regulamentul ședințelor comune ale Camerei Deputaților și Senatului*, publicat în Monitorul Oficial al României, Partea I, nr. 34 din 4 martie 1992, cu modificările și completările ulterioare.
12. *Decretul Regal nr. 3.052/1940*, publicat în Monitorul Oficial, nr. 205 din 5 septembrie 1940.
13. *Decretul Regal nr. 1.626/1944 pentru fixarea drepturilor românilor în cadrele Constituțiunii din 1866 și cu modificările Constituțiunii din 29 martie 1923*, publicat în Monitorul Oficial, nr. 202 din 2 septembrie 1944.

E. DECISIONS OF THE CONSTITUTIONAL COURT

1. *Decizia Curții Constituționale nr. 37/1993 privind soluționarea excepției de neconstituționalitate a Precizărilor nr.110106/1993 ale Ministerului Finanțelor*, publicată în Monitorul Oficial al României, Partea I, nr. 215 din 1 septembrie 1993.
2. *Decizia Curții Constituționale nr. 5/1994* publicată în Monitorul Oficial al României, Partea I, nr. 63 din 10 martie 1994.
3. *Decizia Curții Constituționale nr. 2/1995 în legătură cu constituționalitatea Legii privind abilitarea Guvernului de a emite ordonanțe*, publicată în Monitorul Oficial al României, Partea I, nr. 5 din 13 ianuarie 1995.
4. *Decizia Curții Constituționale nr. 102/1995 privind pronunțarea asupra recursului declarat împotriva Deciziei Curții Constituționale nr. 52 din 23 mai 1995*, publicată în Monitorul Oficial al României, Partea I, nr. 287 din 11 decembrie 1995.
5. *Decizia nr. 148/1997 referitoare la excepția de neconstituționalitate a dispozițiilor Ordonanței Guvernului nr.1/1992 privind registrul agricol și ale Legii nr.68/1991*, publicată în Monitorul Oficial al României, Partea I, nr. 52 din 25 septembrie 1997.
6. *Decizia Curții Constituționale nr. 34/1998, cu privire la constituționalitatea Legii pentru aprobarea Ordonanței de urgență a Guvernului nr. 88/1997 privind privatizarea societăților comerciale*, publicată în Monitorul Oficial al României, Partea I, nr. 88 din 25 februarie 1998.

7. *Decizia Curții Constituționale nr. 83/1998 privind excepția de neconstituționalitate a dispozițiilor Ordonanței de urgență a Guvernului nr.22/1997 pentru modificarea și completarea Legii administrației publice locale nr.69/1991, republicată, publicată în Monitorul Oficial al României, Partea I, nr. 211 din 8 iunie 1998 .*
8. *Decizia Curții Constituționale nr. 134/2005 referitoare la excepția de neconstituționalitate a dispozițiilor Ordonanței de urgență a Guvernului nr. 121/2003 pentru modificarea și completarea Legii concurenței nr. 21/1996, precum și ale art. 17 alin. (1) și ale art. 18 din Legea concurenței nr. 21/1996, publicată în Monitorul Oficial al României, Partea I, nr. 392 din 10 mai 2005.*
9. *Decizia Curții Constituționale nr. 255/2005 privind sesizarea de neconstituționalitate a Legii pentru aprobarea Ordonanței de urgență a Guvernului nr. 100/2004 privind trecerea unor terenuri forestiere din proprietatea publică a statului și din administrarea Regiei Naționale a Pădurilor - Romsilva în proprietatea Arhiepiscopiei Sucevei și Rădușilor, publicată în Monitorul Oficial al României, Partea I, nr. 511 din 16 iunie 2005.*

F. DICTIONARIES

1. *Dicționar Universal al Limbii Române*, Ed. Litera Internațional, 2006.
2. *Noul Dicționar Universal al Limbii Române*, prima ediție, Ed. Litera Internațional.
3. *Le Petit Robert*
4. **SHAFRITZ M. Jay** – *Dictionary of American Government and Politics*, The Doresey Press, Chicago, Illinois, 1988.
5. **DUHAMEL Olivier, MENY Yves** – *Dictionnaire constitutionnel*, P.U.F., Paris, 1992

G. INTERNET

1. <http://www.ccr.ro>
2. <http://www.cdep.ro>
3. <http://www.clr.ro>
4. <http://www.senat.ro>
5. <http://www.forumconstitutional.ro>
6. <http://www.guv.ro>
7. <http://www.culegeri.ro>
6. <http://oll.libertyfund.org>
7. *encyclopediemicrosoft en ligne 2008*
8. <http://ro.wikipedia.org>.
9. <http://www.efm.bris.ac.uk>

H. PARLIAMENTS AND CONSTITUTIONAL COURTS WEB PAGES FROM VARIOUS EUROPEAN COUNTRIES