

CONTRAVENTIONAL LIABILITY VS. ADMINISTRATIVE-CONTRAVENTIONAL LIABILITY–SYNTHETIC AND INTERACTION APPROACHES

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Abstract: *This study contains a detailed analysis of the contraventional liability as a form of legal liability, including the use of the attribute „administrative” for the contraventional liability as a social-legal phenomenon. The material reveals the conceptions of the authors in the field of law and our separate opinion regarding the aspects of the contraventional liability and the relevance of the use of the terminological construction „administrative-contraventional liability”. Therefore, we analyzed the legal framework and the practice of the Republic of Moldova and other states, starting our research from the hypothesis that the contraventional liability is a distinct form of legal liability that occurs when an illegal act (contravention) has been committed, violating the rules of the contraventional law, for which contraventional sanctions are applied by the competent authorities, through a legally established procedure.*

Keywords: *legal liability, contravention, contraventional liability, administrative-contraventional liability, illicit act, competent authorities, public administration, contraventional procedure.*

Introduction

The realization of the legal order in a state requires from all recipients of the law a behavior according to its provisions, necessary for the normal development of the relations in society. For those who do not adapt their behavior to the legal provisions and commit illicit acts, the restoration of the legal order occurs through coercive measures.

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The national legal framework, and also the jurisdiction, do not define the notion of legal liability. Our legislator has only established the requirements to hold a person liable, the form of liability depending on the nature of the illicit act, the principles of liability, the coercive measures that can be applied (sanctions, punishments, and others) and their limits of application.

The state adopts legal norms and establishes sanctions as a structural part of them, in order to discipline the human behavior in the main relations in society, ensuring harmony and justice in their coexistence and protecting their crucial rights and freedoms. The individuals are sanctioned by the state for non-compliant deeds, i.e. for those acts that undermine legal order and violate legal norms.

The legal liability intervenes only under the condition that all the circumstances are established by a court with legal competence in the field and only within the limits of the law (principle of legality). It is a social fact and represents the state's attitude towards an act classified as reprehensible. Likewise, the law of retribution is void, just as no one can be a judge in his own case. In this light, legal liability has a normative character and intervenes whenever the demands of society (expressed in the form of imposed rules) are not accomplished. This intervention is possible only if a sanction is provided in the content of the legal norm, because only *the sanction, as a vital condition of existence in society, must restore the faith shaken by the anti-social act.*¹

The liability and the sanction must not be confused with each other, even though they are parts of the same social mechanism. The sanction pursues only one side of liability, namely the reaction of society, and the purpose of its existence is to control and to keep the masses in check. The liability represents the legal framework for the realization of the sanction, with the aim of resocializing the author of the disruptive act and raising the spirit of responsibility.

I. Conceptual approaches and the national legal framework

Within the forms of legal liability, a special place belongs to the contraventional liability, because the contravention is among the most frequent antisocial deeds.

The contraventional liability is a variety of legal liability, representing the right of the state to prosecute the contravener, as well as the contravener's obligation to bear responsibility for his act and the sanction applied in order to restore the authority of the law.

¹ P. Fauconnet, *La responsabilité. Étude de sociologie*, Paris: Félix Alcan, 1928, p. 256.

Often, the researchers in the field of law analyze contraventional liability and administrative-contraventional liability on a platform of equality, namely the first one as the main form of liability in the administrative law. Thus, can we generally talk about administrative-contraventional liability?

The Contraventional Code of the Republic of Moldova (hereinafter, the Contraventional Code) was adopted on October 24, 2008, and promulgated by the Decree No. 2046-IV of December 29, 2008. This important legislative achievement generated new directions of research in the field of law, especially the contraventional law, this time „separated” from the administrative law, as an independent branch in the national law system of the Republic of Moldova. This terminological construction „independent branch” is an assumed one, because the national doctrine has not offered a reasoned scientific verdict proving the removal from the guardianship of the administrative law yet. Some authors argue that it is still under the guardianship of the administrative law, others consider that the contraventional law has its own object of research, characteristic features, method of research and its own terminological system, contraventional liability as a distinct modality, even formulating proposals for the establishment of a legal contraventional system, which taken together into consideration, give it the status of an independent branch of law. The positions are different because of the fields of interest of the researchers, the specialists in the administrative law considering it a sub-branch of the administrative law, while the specialists in the contraventional law – as an independent branch of law. We will try to find an answer to this question.

According to article 482 let. a) of the Contraventional Code, on the date of entry into force, the Code regarding administrative contraventions, approved by the Law of the Moldavian S.S.R. of March 29, 1985 was repealed.²

The adoption of the Contraventional Code did not end the legislative process in this field. On the contrary, it gave reasons to approach and to analyze the problems arising in connection with its application, accompanied by the creation and approval of the operational processes of application, and the submission of amendments to legislation if required.

With the adoption and implementation of the Contraventional Code, the contraventional law widens its field of action: the legal reality obliges the jurisprudence to develop its functions of interpretation and application of the contraventional norms, doubled by prospecting and forecasting,

² Contraventional Code of the Republic of Moldova of 24.10.2008, published in: Official Monitor No. 3-6, article 15 of 16.01.2009, republished in: Official Monitor No. 78-84, article 100 of 17.03.2017.

gaining the task and obligation to analyze and to research the extremely vast and diversified field of the new legal regime of contraventions in the Republic of Moldova.³ In fact, the tendency of emancipation of the concept of contraventional liability from the subordination of the administrative law has arisen since then. We must not forget that, in order to determine the forms of legal liability, the criterion of belonging and the form of legal sanctions applicable to the branch of law will be taken into consideration.

From general to particular, Chapter II of the Contraventional Code was dedicated to *the contravention and the contraventional liability*. In this way, the legislator highlights the contraventional liability as a distinct „form” of legal liability. Furthermore, the entire text of the law clarifies in article 10 of the Contraventional Code the notion of „contravention” – the only basis of this new „modality” of liability. We only admit that possibly, in some cases, the contravention could arise from the non-execution or improper execution of the administrative activity, for which the legislator provides contraventional liability. For example, according to article 53 of the Contraventional Code, „Violation of electoral legislation by members of the electoral body”, para. (3): „Unjustified failure to deliver the ballot to the person enlisted on the electoral list or the delivery to a single voter of more ballots than is provided by law”. It is a non-execution or improper execution of an administrative activity. Anyway, this illicit act constitutes a contravention and, accordingly, the contraventional liability must be applied. We will explain this kind of deviations below. Committing any other illicit act (crime, disciplinary offense) will result in a different form of liability than the contraventional one. More than that, in article 10 the legislator specifies exactly the form of the sanctions applied for committing acts of contraventional nature – contraventional sanctions. Articles 8 and 9 of the Contraventional Code refer to two specific principles of the contraventional liability: the principle of personal character of the contraventional liability and the principle of individualization of the contraventional liability and the contraventional sanction. Finally, articles 16 and 17 of the Contraventional Code establish the persons who can be the subject of the contraventional liability: the individual and the legal entity. All these legislative reflections give us the arguments in favor of supporting a separate „modality” of legal liability – the contraventional liability.

II. Elements of international doctrinal analysis

In the doctrine of Western states, the contraventional liability is considered as a form of administrative liability, the contravention being currently a form of administrative illegality, namely its most serious form,

³ S. Furdui, *Suggestions and conclusions in relation to the application of the Contraventional Code*, in: National Law Journal, No. 1, January 2010, p. 34.

its legal regime being a predominantly administrative law regime.⁴ Moreover, there is another legislative system regarding contraventions, different from the one from the Republic of Moldova. *Lex lata*, three broad categories of illegal administrative acts are identified: proper administrative illicit, contraventional illicit and illicit causing material and moral damages.⁵ In accordance with each category, three forms of administrative liability are distinguished, namely two forms of liability characterized by a repressive action, i.e. proper administrative liability and contraventional liability, and another form – of reparative liability, administrative-patrimonial liability.⁶ It is worth noting that not all contemporary authors recognize these three forms of liability. The author R. Petrescu⁷, for example, recognizes only two forms of administrative liability, namely the contraventional liability and the patrimonial liability of the public administration authorities, identifying within the liability of public officers the existence of a disciplinary liability specific to them.

The approach to the problem of contraventional liability in the EU states is different. The criterion by which the notions of „liability” are delimited is the legal nature of the illicit acts and their belonging to one branch of law or another. The tendency of the EU states is to transfer the competence of solving cases regarding the commission of illegal acts with a low degree of danger (contraventions) from courts to the administrative authorities (police, financial inspection). It is the case of Portugal, Germany, Switzerland, Belgium, Italy, where such acts are considered as a variety of crimes, the criminal liability being applied for their committing. The sanctions can also be applied by administrative authorities, that’s why they are also called „administrative crimes” and „administrative criminal liability”. The proper notion of „administrative” emerges specifically from the criterion of the competence of the administrative authorities to solve these cases and, at the same time, has no connection with the administrative liability.

In Austria, France, the Netherlands, Spain, Greece, contraventions are legally separated from crimes and are examined on the basis of a separate procedure.

⁴ Al. Țiclea, *Regulation of contraventions. Edition No. 6*, Bucharest: Universul Juridic, 2008, p. 7.

⁵ A. Iorgovan, *Treaty of administrative law. Volume II*, Bucharest: All Beck, 2005, 360 p., quoted by M.-E. Mihăilescu, *Contraventional sanctions. Aspects of substantive law in Romanian and comparative law*, Bucharest: Hamangiu, 2013, p. 57.

⁶ D. Tofan, *Administrative law. Volume II*, Bucharest: C.H. Beck, 2009, 175 p., quoted by M.-E. Mihăilescu Mădălina-E. *Contraventional sanctions. Aspects of substantive law in Romanian and comparative law*, Bucharest: Hamangiu, 2013, p. 57.

⁷ R. Petrescu, *Administrative law*, Bucharest: Hamangiu, 2009, p. 503-504.

The EU states have not developed normative acts that would systemize all the contraventions. They are currently regulated in the normative acts of the authorities that have the competences to solve them. In Belgium and France, but also in Denmark, there are laws that highlight the general principles of establishing the contraventions and applying the contraventional sanctions.

The legislation of the states that joined the European family much later (Poland, Latvia, Lithuania, Bulgaria, Romania) is in the process of continuous reformation and adoption of a new concept regarding contraventions. In most of them, contraventions are delimited from crimes, although criminal law is also applied by analogy.⁸

The opinion of the scientist M.A. Hotca is relevant, referring to the fact that the contraventional liability is susceptible to four meanings: legal institution, legal coercion relationship, passive side of the contraventional coercion relationship, the content of the contraventional coercion relationship.⁹ In a broad sense, the contraventional liability means, from the same author's point of view, a form of legal liability, identified with the contraventional coercion relationship, established between the state and the contravener, consisting of the right of the state to impose the sanction to the contravener and the correlative obligation of the contravener to bear this sanction. In a narrow sense, the contraventional liability represents that form of legal liability, which consists of the obligation of the contravener to bear the sanction, because the contraventional liability appears only within a legal relationship, in which the illicit act, the contravener's guilt and the sanction are established accordingly. We note that the author specifically refers to the contraventional legal relationship, which appears between the state and the contravener, and not to the administrative relationship.

Quite interesting, but typical to the legislation of the author's state, the researcher Timoshenko I.V. defines „administrative liability” for contraventions as „a form of state coercion, carried out according to the procedural-administrative legislation, applied to the persons who have committed contraventional acts and which foresee legal consequences of moral, patrimonial, organizational nature”.¹⁰ The authors Rosinkii B.V., Gonciarova N.G., Galagan I.A. and Beliskii K.S. have an analogical

⁸ O.A. Banchuk, Analytical report: „*The law on administrative offenses: the experience of the countries of Western and Eastern Europe, the requirements of the European Court of Human Rights and the standards of the Council of Europe*”. Available at: https://online.zakon.kz/Document/?doc_id=32663250&pos=3;-110#pos=3;-110 (accessed on 06.03.2023).

⁹ M.A. Hotca, *Contraventional law. General part*, Bucharest: Editas, 2003, p. 293.

¹⁰ I.V. Timoshenko, *The concept of administrative liability*, in: North Caucasian Legal Bulletin, 2009, No. 2, p. 79.

approach, highlighting in their definitions the same particularities of the administrative liability: a) it is a measure of state coercion; b) the delinquent bears patrimonial, moral, organizational legal consequences; c) the administrative sanctions are stipulated exhaustively in the legal norms; d) state coercion measures are applied in accordance with the procedural-administrative rules provided by law.¹¹

Moreover, we consider that there is an unresolved syntax problem regarding the express translation and recognition of the notions of „contravention” and „contraventional liability” in English, that should be used as distinct terms in the process of applying the law.

III. Separate opinion on the reasons for using the term „administrative”

Analyzing the above-mentioned opinions, it is worth mentioning that the use of the attribute „administrative” for the form of contraventional liability is absolutely *inappropriate* under the legislation of the Republic of Moldova, because the contraventional sanctions are not applied exclusively by the administrative authorities, but also by courts and prosecutors. In this case, the term „administrative sanction” has no longer the same meaning, even though most of the attributions regarding establishing and solving the contraventional cases belong to the public administration authorities.

With reference to the „competence” criterion, the Contraventional Code establishes, in article 393, the exhaustive list of authorities with attributions to establish contraventions and to solve contravention cases:

- a) the court;
- b) the prosecutor;
- c) the administrative commission;
- d) the official examiner (specialized bodies specified in articles 400 – 423 of the Contraventional Code of the Republic of Moldova).¹²

Despite the fact that the authorities provided for by let. c) and d) of the above-mentioned article are parts of the system of public administration authorities, the procedure of establishing the contraventions, examining and solving the contraventional cases is, by its nature, a contraventional one, regulated by the Book Two of the Contraventional Code. In this

¹¹ B.V. Rosinskii, N.G. Gonciarova, *Administrative law*, Moscow: Practicum, 2006. K.S. Beliskii, *Administrative liability: genesis, main features, structure*, in: State and Law, 1999, No. 12.

¹² Contraventional Code of the Republic of Moldova of 24.10.2008, published in: Official Monitor No. 3-6, article 15 of 16.01.2009, republished in: Official Monitor No. 78-84, article 100 of 17.03.2017.

context, article 374 of the Contraventional Code clearly defines the *contraventional process* as – the activity carried out by the competent authority (see above, article 393), in order to solve the contraventional case. Thus, the court, the prosecutor and the public administration authorities act in accordance with the contraventional rules and not otherwise.

The contraventional procedure is characterized by the following specific features, which distinguish it from the administrative procedure:

First of all, the contraventional procedure is regulated by special rules provided for by the Contraventional Code, rules for applying the substantive norms of the contraventional law, which are supplemented by the rules of civil procedure and criminal procedure, to the extent that they do not contradict the contraventional relations and the norms of international law and international treaties regarding the fundamental human rights and freedoms which the Republic of Moldova has ratified.

The contraventional process is carried out on the general principles of the contraventional law.

Secondly, these categories of procedural legal norms are applied only in case of legal relations generated by the contravention that was committed. In cases of other illicit deeds, other procedural legal norms are applied: criminal, civil, administrative.

Thirdly, the contraventional procedure involves an activity of the competent bodies concerning the prevention, suppression and coercion of the contravention, the examination of the contraventional case and the issuing of decision regarding the case, the appeal of the decision and the review of the case, as well as the execution of the decision regarding the application of the contraventional sanction.

Fourthly, both the content of this activity and the bodies empowered to examine the case and to issue the decision on the case, as well as other parts of the contraventional process, are strictly established by the contraventional legislation.

Fifthly, the contraventional process also aims to resocialize the contravener, as well as to determine the reasons and conditions in which the contravention was committed.¹³

Sixthly, the official documents drawn up in the process of solving the contraventional cases are procedural-contraventional documents. For example, article 425 para. (2) of the Contraventional Code provides: „ Factual elements established through the following means shall be admitted as evidence: documentation on a contravention, documentation on the seizure of objects and documents, documentation on a search,

¹³ O. Pantea, A. Antoci, *Contraventional law. Course support*, Chişinău: CEP, 2020, p. 97-98.

documentation regarding on-site investigations, documentation on other procedural actions carried out according to this code, statements of the person against whom a proceeding was started, the depositions of the victim and witnesses, written records, audio or video recordings, photographs, corpora delicti, objects and documents seized, technical, scientific and forensic findings and expert reports”¹⁴. In case of examination by the court, it is also specified that „the contravention case is examined in the court hearing...”. Whereas, in Chapter II of the Administrative Code of the Republic of Moldova, the legislator highlights the list of administrative acts: individual administrative acts and normative administrative acts, administrative contracts, real acts, etc.).

Administrative procedure, on the other hand, represents the activity of public authorities with an external effect, aimed for examining the conditions, preparing and issuing an individual administrative act, examining the conditions, preparing and concluding an administrative contract or examining the conditions, preparing and undertaking a strictly public authority measure. Issuing an individual administrative act, concluding an administrative contract or undertaking a strictly public authority measure are parts of the administrative procedure¹⁵. It is an activity regulated by the administrative-procedural norms.

Then, we cannot deny the legal liability when the public administration authorities, public officers violate the rules of behavior, cause material damages, commit contraventions or crimes during work or in connection with the exercise of their professional duties. Moreover, the administrative misconduct can also have a contraventional character, when culpable violations of the contraventional law occur, which are sanctioned according to the Contraventional Code. A similar example is provided for by article 264 of the Contraventional Code: „Illegal participation of the public officer, of the person with a position of public dignity in the entrepreneurial activity”. We can conceptually admit that this also represents an administrative misconduct. More than that, article 25 para. (2¹) of the Law of the Republic of Moldova No. 158 of July 04, 2008 regarding the public office and the status of the public officer states that: „The public officer is not entitled to carry out entrepreneurial activity, except as the founder of the commercial company”.¹⁶ *In this context, the*

¹⁴ Contraventional Code of the Republic of Moldova of 24.10.2008, published in: Official Monitor No. 3-6, article 15 of 16.01.2009, republished in: Official Monitor No. 78-84, article 100 of 17.03.2017.

¹⁵ Administrative Code of the Republic of Moldova of 19.07.2018, published in: Official Monitor No. 309-320, article 466 of 17.08.2018.

¹⁶ Law of the Republic of Moldova No. 158 of 04.07.2008 regarding the public office and the status of the public officer, published in: Official Monitor No. 230-232, article 840 of 23.12.2008.

administrative misconduct will be used in the stricto sensu, which means only the violation of the material rules of the contraventional law and which entails the contraventional liability for it.

Generally, the administrative misconducts mean the improper accomplishment or non-accomplishment by public officers of their obligations. Accordingly, the sanctions for the administrative misconducts are various: disciplinary, civil, criminal. Article 35 of the Administrative Code of the Republic of Moldova states that: „The public authorities and the individuals who represent them can be hold *criminally, contraventionally, civilly or disciplinary responsible...*”¹⁷. In turn, article 16 para. (6) of the Contraventional Code defines the notion of „responsible person” and the conditions for holding them liable – „a person who is granted permanently or temporarily by law or appointment or by virtue of a task certain rights and obligations in view of exercising the functions of a public authority or of an administrative nature or organizational or economic actions in a company, institution, state organization, central or local public authority is contraventionally liable for committing an act provided for by the Contraventional Code of the Republic of Moldova, if he/she:

- a) intentionally used his/her authority contrary to his/her work duties;
- b) clearly exceeded the rights and attributions granted by law;
- c) failed to fulfill or unduly fulfilled his/her work duties”.¹⁸

Actually, article 56 of the Law on the public office and the status of the public officer still provides the notion of „administrative liability”. It seems that the competent authorities of the state have not complied with article 484 let. b) of the Contraventional Code of the Republic of Moldova, in order „to bring the normative acts into line with the provisions of the code”.

The legislation of the Republic of Moldova also provides some special models of administrative liability, for example, as a result of the investigations carried out into the alleged cases of violation of the competition law, *when individual administrative decisions have been adopted, establishing the violation of the legal provisions and applying the sanction of (administrative) fine*. By way of derogation from the Contraventional Code of the Republic of Moldova, the fines for violation of

¹⁷ Administrative Code of the Republic of Moldova of 19.07.2018, published in: Official Monitor No. 309-320, article 466 of 17.08.2018.

¹⁸ Contraventional Code of the Republic of Moldova of 24.10.2008, published in: Official Monitor No. 3-6, article 15 of 16.01.2009, republished in: Official Monitor No. 78-84, article 100 of 17.03.2017.

the competition legislation are established according to the Competition law of the Republic of Moldova No. 183 of July 11, 2012.¹⁹ The legislator also establishes the rules for individualization and determination of fines for violations of the competition legislation. It is important to specify that the nature of the deeds that constitute violations of the material norms of the competition legislation is more commercial than administrative. The administrative decisions on the application of the sanction can be contested in the administrative litigation court.

In this context, the national researcher Furdui S. expressed his opinion, stating that: „The contraventional relation also concerns the relations between individuals, which do not form the object of the administrative law, and as a result, it must be differentiated from the administrative relation by the fact that the contraventional relations only partly intersect with the administrative relations, referring only to the relations in the field of activity of the administrative bodies, such as the compartment regarding the established mode of administration”.²⁰ The Administrative Code of the Republic of Moldova establishes itself that *it does not apply to the legal relations of the public authorities acting on the basis of the Contraventional Code or the Criminal Code of the Republic of Moldova* (article 2 para. (3), let. b) of the Administrative Code).

A particular point of view regarding the contraventional liability belongs to the law professor Iovănaș Il.²¹, who considered that the administrative liability is identified with the contraventional liability, being a creation of the socialist law that instituted the liability of state administration bodies for damages caused by their illegal acts, as a form of autonomous liability, distinct from the civil liability. According to this concept, it was also formulated a proposal to replace the name of „administrative liability” with the name of „contraventional liability”, which would better evoke the character of this type of liability. However, the use of the expressions „contraventional” and „administrative-contraventional” still encourages the idea of a separate normative regulation, independent from the others, such as criminal, civil, disciplinary.

Certainly, many authors, both from our country and abroad, have the same opinion regarding the basis of the contraventional or the administrative-contraventional liability - the contravention. The

¹⁹ Competition law of the Republic of Moldova No. 183 of 11.07.2012, published in: Official Monitor No. 193-197, article 667 of 14.09.2012.

²⁰ S. Furdui, *Contraventional Law*, Chișinău: Cartier, 2005, p. 50.

²¹ Al. Negoită, *Administrative law and elements of administration science*, Bucharest: T.U., 1981, p. 274, quoted by M.-E. Mihăilescu, *Contraventional sanctions. Aspects of substantive law in Romanian and comparative law*, Bucharest: Hamangiu, 2013, p. 54.

contraventional liability applies for committing illegal acts provided by law as contraventions. Article 10 of the Contraventional Code of the Republic of Moldova defines the contravention – an illicit deed, action or inaction, with a lower degree of social danger than a crime, that is committed with guilt, which violates the social values protected by law, is provided for by the Contraventional Code and is liable to a contraventional sanction. Thereby, as a legal phenomenon, the contravention is characterized by the socially dangerous act and the coercive measure applied, the contraventional sanction. The contravener is aware of the harmful nature of his action or inaction and its harmful consequences. And like any other deed that is contrary to the legal order, the contravention is a manifestation of the human behavior, externalized in the social framework, i.e., a human action carried out under the control of his/her will and reason, because the contravener had the freedom to choose this negative behavior, violating the legal order. The existence of this possibility of choice, as an objective reality, determines the guilt of the person who commits this action or inaction.

In Chapters VI-XX of Title II, Book One, of the Contraventional Code of the Republic of Moldova there are distinguished the varieties of contraventions: ecological, administrative, labor, military, traffic, etc.

The liability for committing contraventions is not a form of repressive administrative liability, but a separate form of liability, called „contraventional liability”, which can take different forms at its turn, according to the examples above.

Conclusions

In the end, we cannot talk about administrative liability itself (perhaps more theoretically), but we can only accept the liability in the administrative law, only in the sphere of the administrative relations and, implicitly, of the participants in these relations, which are based exclusively on non-compliance or improper compliance with their obligations. It is a typical administrative liability, in contrast to the contraventional liability, which is concerning all the individuals (including public officers) and legal entities (excluding public authorities) who have committed contraventions. So, the person is hold contraventionally liable only for acts committed with guilt, provided by the contraventional law.

The use of the expression „administrative-contraventional liability” is also an inappropriate one, because establishing of contraventions and solving the contraventional cases are not exclusively in the competence of the administrative authorities, but also of the courts and the prosecutors.

The contraventional liability is an exclusively separate modality of legal liability in the legislation of the Republic of Moldova, with the following features:

- The basis for the contraventional liability is only the contravention. The only exception to the general rule is the possibility of applying the contraventional liability in the cases provided for by the criminal legislation (article 55 of the Criminal Code of the Republic of Moldova).

- There is a group of authorities empowered by law to establish and to solve the contraventional cases. The persons legally empowered to establish contraventions are called „official examiners”. The contraventional liability is applied, as a rule, extrajudicially, directly by the authorized state bodies (by responsible persons).

- The law establishes a range of contraventional sanctions that are applied for committing contraventions. The types of sanctions that can be applied are provided exhaustively.

- The measures of contraventional liability are applied according to distinct procedures, which form the „contraventional process”.

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