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ANDREI PETRE

AUXILIARY SOURCES OF PUBLIC INTERNATIONAL LAW

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Summary of the doctoral thesis

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Author:

PhD student Andrei Petre

PhD supervisor:

Osmochescu Nicolae, university professor Dr.

Guidance Committee:

Arhiliuc Victoria, university professor, dr. hab. in law.

Sârcu Diana, university associate, dr. hab. in law

Zamfir Natalia, university associate, doctor of law

The abstract and the doctoral thesis can be consulted on the website of the Doctoral School of Legal Sciences (http:///.....

1. Componenţa Comisiei de doctorat.
    1. ***Prof. Univ. Dr. Nicolae Osmochescu***
    2. Prof. univ. dr. Oleg Balan – președinte
    3. Prof. univ. dr. Alexandru Cauia – membru
    4. Prof univ. dr. Augustin Fuerea – membru
    5. Conf. Univ. dr. Natalia Zamfir – membru
    6. Lector univ. dr. Tatiana Mihailov- secretar

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I. Actuality and importance of the topic addressed

The doctor's thesis entitled " *Auxiliary sources of public international* law" is of particular importance because within it I sought to address a new element in international law, namely religion as a dynamizing element in the arena of international relations and not least a factor with a strong influence in the matter of auxiliary sources of public international law.

Now more than ever in a world of globalization and secularization, of forced secularization, religion must be that guiding beacon for mankind, that divine light within the human consciousness through which the world can reconstruct its own spiritual Ego and the letter of moral values with Christocentric and ecclesiophilic orientation .

The actuality of the thesis consists precisely in the real approach to some themes and shakes both the ecclesiastical and the secular world.

I could not help but touch on the most important subject of international law, namely the state and its relation to the church. The relationship between the state and the church must be one of coordination. The state is responsible for the material well-being of the individual, and the church is responsible for the spiritual progress of Christ's flock.

Corroborating what has been stated so far, we can say that the state is the right one to ensure the legislative framework regarding the functioning of religious cults, and the church is the institution of divine - human origin that has the obligation to ensure a good spiritual development of the individual with positive reverberations in society.

More than ever, humanity is calling for fundamental human rights and freedoms. Can the church as an institution avoid these problems that seem to be more current than ever? No way! What's more, the church must adopt an avant-garde attitude to promote both fundamental human rights and freedoms as well as duties towards God and society.

That is precisely why I considered that the international law of human rights must also be viewed through the religious prism.. I passed human rights through a legal-biblical filter, nuanced the human personality and its relationship with the divine law and international laws, rights accurately respected in the Bible and international treaties .

Continuing from the idea that the church and religion should not be two isolated notions in the international arena, I inserted in the doctoral thesis the problem of the concordat which I appreciated would be a variety of the international treaty.

Concordat is a form of treaty concluded by the Holy See with certain countries stipulating the rights and duties of the Catholic church in that country in relation to the Vatican

Through the concordat, the church is placed in the sphere of international law as an institution within a state which, by virtue of its autonomy, can develop international relations with other churches established by treaties that are part of the international legal order.

Ecclesiastical diplomacy represents another dimension of international religious relations.

I believe that inter-church diplomacy is the main pillar in international religious relations. That is precisely why we approached the diplomatic-theological relations worldwide for several levels. Relations between Orthodoxy and Anglicanism, old - Catholics, relations with the old Eastern Church, with Roman - Catholicism, with the Lutherans, with the Reformations.

Through ecclesial diplomacy the church becomes a listened voice and an undisputed spiritual force and in this case, religion is a subject of general international interest.

Next, I placed the religious element as being, in the international plane, a fundamental one of an identity nature, making at the same time a correlation between religion and the

conflictogenic element. Religion and Legal Sciences are in continuous dependence, law and religion are related conceptually, methodologically, institutionally and professionally. Religion is belief, dignity and way of life. Law and religion exist in a dialectical interaction. The European Union encourages the principle of " *unity in diversity* " recognizing the prevalence of domestic law in relation to religious entities as long as the international legislative framework embodied in treaties and conventions is not exceeded. Religious pluralism presupposes state neutrality and protection against discrimination. Religious conflicts are also identity conflicts characterized by dualism.

Religion viewed in history is also a factor of peace but also a generous contributor to hatred, war, ideas reflected in texts, images, perceptions proviolence . Religious intolerance imposes recourse to deradicalization formulas embodied in humanitarian, secular Western-type discourses or recourse to religious leaders. In the religion-conflict relationship, we often encounter the idea of the legitimacy of war, of the " *agreed war"* as an expression of the promotion of pacifism, in other words, religion can be both a pacifying factor and a conflict-generating one.

The topicality and importance of the thesis resides in

the fact that religion is a determining factor even in international humanitarian law, in the law of war. Christian culture and civilization played an important role in the development of international law in general and the law of armed conflicts in particular in all periods of history (antiquity - the treaty, diplomacy and international arbitration appear; the Middle Ages - the law of peace and the law of war develop, arbitration appears pontifical; modern era - the theory of just war appears. In contemporaneity, special emphasis was placed on the institution of peaceful settlement of disputes with deep origins in the words of Christ " My *peace I give to you, my peace I leave with you* ". We can characterize the peaceful settlement of disputes as being a legal duel, a waging of war by other means.

War is limited with the development of humanitarian law (Geneva law) and the law of war (Hague law). The idea of sacredness is interpolated in conventional norms because any international principle is sacred (Henry Dumant). We can say that the commandment from the Decalogue " *Thou shalt not kill"* is correlated with the principle of the Gospel of love.

With objectivity we recognize that there were also great thinkers of the church (blessed Augustine, Toma D ′a Quino) who promoted the famous and fatal doctrine " *The Art of Just*

War " - a compromise between the moral ideal and political necessity, a reflection of the natural order in the objective order . The monarchy and the church also developed a concept: " *God's Armistice"* - an idea that prohibited war from Saturday night to Monday morning and on Christian holidays.

Christian religion and morals formed the basis of an important concept of international humanitarian law: The ethics of war by making an introspection into the ethics of eastern war. We can say that thanks to Christian morals, military morals have been refined. The counterpart in the Far East of the ethics of war based on Christian morality is the Bushido code , a code initiated by the samurai, with a moral character through which violence was regulated. But the religious mission did not end here, because military ethics and moral values are faced with great challenges: terrorism, religious fundamentalism - a new scourge of the contemporary world and then we ask: International humanitarian law supported by Christian morality - Quo vadis ?

The doctor's thesis being an interdisciplinary work, it must first of all be revealed that religion, beyond being a system, a "modus vivendi", an ideology, is in itself a law. God from the moment of creation gave laws, creation itself is made according to a law - the Law of nature. Then followed the laws

given to man as norms of conduct in relation to divinity and to fellow men.

The first law is the prohibition to eat from the forbidden tree of Eden, then followed the Law of Noah - the Noahic Law . But the foundation, the cornerstone of all civil and religious religions is represented by *the Decalogue* - the 10 commandments - fundamental universal divine law. And so that the Decalogue is not just a divine law locked in an ivory tower, inaccessible and unenforceable, it was accurately reflected in both domestic law and international political law. *The Decalogue* was grafted onto the concupiscent human typology.

The Decalogue correlates with Constitutional Law. The first commandments in the Decalogue concern religious freedom (art.29 , *Romanian Constitution*), religious pluralism (art.8 , para.1 *, Constitution Romania)* , as a condition and a guarantee of constitutional democracy. Also in the light of the first four commandments from the Decalogue, the state undertakes to become the guarantor of religious freedom (art. 30 *, Constitution of Romania*) ensuring at the same time the freedom of religious education (art.32 , para.7 , *Constitution Romania)* In this sense, the first 4 biblical commandments from the decalogue gain resonance precisely through the

consideration of religious freedom enshrined at the constitutional level. Religious freedom is protected by the criminal law. (art. 318 *Criminal Code* - hindering the freedom of worship).

By extension, the 4th commandment places us in the normative area of the labor code and in the constitutional area (art. 38 and art. 39 *, Romanian Constitution*) which regulates working and rest time.

The 6th commandment - not to kill - has reverberations in art. 22 of *the Romanian Constitution* which regulates the right to life and to the physical and mental integrity of the individual.

Extensively interpreted commandments 8 and 10 show the private property constitutionally established in art. 41 and art. 135 of *the Romanian Constitution* . The command " *not to swear crookedly"* resonates in art.82 al.2 , *Constitution of Romania* , art.103 *, Constitution of Romania* , but also in art.85 al.3 - *Code of Criminal Procedure* - the oath of the witness.

An indissoluble link exists between *the Decalogue* and family law, the 5th commandment being conclusive. Honoring and respecting parents is regulated in art. 93, *Family Code* , art.89 *Family code.* Also, the obligations of parents towards children are stipulated in title III of *the Family Code.*

A clear link between the Decalogue and criminal law is the commandment *"thou shalt not kill."* The 6th commandment is established in the criminal code as follows: the crime of homicide, art. 174 – 179, criminal code; murder (art.174), qualified murder (art.175); particularly serious murder (art. 176); infanticide (art. 177); manslaughter (art.178), determining or facilitating homicide (art.179).

Related to the 6th commandment is the sin of abortion transposed as a crime in art. 185 of the criminal code under the aspect of legal provocation of abortion.

The commandment *"not to be promiscuous* " is reflected in the Romanian criminal code by criminalizing crimes regarding sexual life: rape (art.197), sexual intercourse with a minor (art.198), seduction (art.199), sexual perversion (art. 201), sexual corruption (art.202), incest (art.903), sexual harassment (art.203), prostitution (art.328), pimping (art.329).

By means of this order, the penal code criminalizes crimes against the family: bigamy (art.303) and adultery (art.304).

The 8th commandment "thou shalt not steal" finds its consecration in art. 208, *Penal Code* - the crime of theft can take several forms: qualified (art. 209 *Penal Code*), robbery

(211 *Penal Code*).

The command " *not to swear crookedly"* has a counterpart in the criminal code in article 260, perjury as well as in art. 261, criminal code, attempt to determine perjury.

The tenth commandment *"thou shalt not covet anything that is thy neighbor's* " is not addressed to deeds, and only to thoughts, the act being viewed only from the perspective of its inner, non-exteriorized aspirations and desires.

So law is a human creation, the idea of law transcends into divinity. Human law is a copy of absolute divine norms. In other words, the Decalogue is the foundation of all legal systems of human destiny and condition.

The importance and actuality of the doctoral thesis also resides in the fact that the decalogue as a fundamental universal divine law is also reflected in Public International Law, more concisely the commandment "thou shalt not kill" is found in international criminal law. Here we will focus on international crimes: war crimes, crimes against humanity and crimes against peace, which by their gravity represent a serious danger especially for the foundations of the coexistence of nations and states.

, war crimes become a basic pillar of international criminal law and are punishable on moral, ethical or religious

grounds.

Crimes against humanity compared to common law crimes have three specific features: special gravity, mass character and the motive of their commission. The worst crime against humanity is the crime of genocide.

The third category of international crimes are crimes against peace, also called crimes of aggression in which the notion of *"force* " and *"threat of force* " are two main pillars.

The crime of aggression is qualified as " *a crime against international peace* ". Instead, from the principle of non-aggression, international law admits 3 exceptions: In case of self-defense, in the situation of peoples fighting for independence (against foreign domination) and in the case of the application of coercive measures established by the UN Security Council.

Consequently, the commandment of *the Decalogue* " *thou shalt not kill"* is also applied in Public International Law on a global level, on a larger scale because this commandment concerns a fundamental, inalienable and intangible right of the human being - life. God condemns the attempt on the life of another, in this case murder, but here too we must understand by extension that the divinity commands each of us to live and to defend at any cost the greatest gift that every mortal has

received - the gift of life. Through the gift of life, man as an entity becomes a unique, irreplaceable personality. Each of us being before God the most important human being.

II. The purpose and objectives of the thesis

The purpose of the thesis is to carry out complex scientific investigations with the aim of highlighting theoretical-practical issues in the matter of auxiliary sources of public international law, implicitly in the matter of religion as a factor or dynamic element of international law and a possible auxiliary source of this legal field .

To achieve this goal, the following objectives were drawn:

- the analysis of the ideas, opinions, theoretical-scientific conceptions exposed in the doctrine of public international law and in the theological works related to the subject debated both in Romania, the Republic of Moldova and abroad, the object of investigation being mainly the auxiliary sources of public international law and religion - a dynamizing element and balance factor within the auxiliary sources with international legal reverberations;

- as a result of the presented themes, we sought to define the religious element within public international law;

- the clear establishment of a relationship between religion and Public International Law;

- identifying the characteristics of religion and thereby

placing this neological field within international law;

- the reservation of the ways of establishing the importance of religion within public international law as well as its role in this field.

- the identification of internal and international normative acts as well as biblical, patristic canonical and doctrinal theological totems that can include religion in the sphere of auxiliary sources, of course avoiding and not harming the international normative framework in the matter, as well as international practice.

- the definition of some ideas regarding the relationship between religion and international law: Constitutional regime of cults, religious and legal filtered human rights, concordat as a variety of international treaty, ecclesial diplomacy, legislative and financial regime of cults on an international level;

- approaching the concept of legality and legitimacy of religion with tangentiality and intrusion into Public International Law, approaching this report normatively, doctrinally, theoretically, conceptually and practically;

- highlighting the fact that religion can and must be internationally, especially in Public International Law, a " *sine qua non* " pillar from which many conceptions must start and around which contemporary society must gravitate, being the

moral source both of customary and conventional norms. If we analyze, for example, the fundamental principles of public international law (the norms of " *Jus cogens* ") we will see that they are crossed by morality in the first place.

The moral factor, we can say, is at the foundation of all fundamental principles of public international law, or the morality of laws and fundamental legal principles derives from divine law

III. Presentation of the research methodology

In order to achieve the objectives of the doctoral thesis, various research methods were used: historical, comparative, logical, literary, systemic, etc.

For example, through the historical method, we approached the problem of the concordat as a variety of the international treaty (the concordat with Romania) and the problem of ecclesial diplomacy (the relations between the Orthodox Church and the other churches over time).

We still find the historical method used within religious and ethical concepts in international humanitarian law.

The logical method was constantly used throughout the content of the thesis precisely to bring out the rationale of the subject addressed, that is, religion is an element and a main and dynamizing factor in Public International Law.

IV. Description of the situation in the field of research

Synthesizing the scientific materials studied in the thesis, we found that the theoreticians who approached the various religious themes of major importance for Public International Law are: Rev. Prof. univ. Vlaicu Patriciu, the great Russian thinker, priest and jurist Vladimir Ssoloviov , Reverend John White Junior, Fr. university professor doctor Semn Petre, deacon doctor Tomescu Sergiu, Fr. university professor Dr. Ioniță Viorel, Prof. Univ. dr. Chifu Lucian, colonel dr. Codiță Dumitru, drd. Ticu Madalin Savu.

Among the theorists of international law, we list the following scholars in the field: Prof. univ. Dr. Osmochescu Nicolae, Burian Alexandru, Balan Olga, Zamfir Natalia, Sârcu Diana, Dorul Olga, Archiliuc Victoria, scholar Vitalie, Pivniceru Mona, ambassador Dr. Matăsaru Preda Aurel, Bolintineanu Alexandru, Năstase Adrian, Aurescu Bogdan, Crețu Vasile, Andronovici Constantin , Miga Beșteliu R.

The conceptions of these illustrious scholars can be found in the content of the doctoral thesis, contributing to the solution of theoretical problems related to the auxiliary sources of public international law, and not least to the identification of religious consensus as a dynamizing and topical factor within

public international law, and not least as a possible auxiliary source of International law.

Referring to the religious factor, we can say that there is still work to be done on multiple areas of the relationship between religion and international law, such as:

- the legislative framework regarding religious cults should be more clearly expressed, be more predictable, leaving no room for equivocation and ambiguities, this contributing to the clear definition of the position of cults from a legal point of view both domestically and internationally

- the issue of fundamental human rights and freedoms, both domestically and internationally, must be based on moral religious values, this fact conferring full legitimacy on this legal institution.

- religious cults must come out of their shell, abandon conservative tendencies (here I mention maintaining their own doctrine which is the constitutive foundation of each cult), the church must be heard internationally, and this can only be done through the institution ecclesial diplomacy, which provides openness in terms of dialogue and interreligious collaboration. Inter-church communication must be clearer, in the spirit of Christian brotherhood and intercommunion.

- it must be taken into account that, in general, domestic

or international civil law has divine law as its foundation and source. We cannot avoid the fact that religion contributes to the formation of human identity and dignity.

In my doctoral thesis, I emphasized the contribution of the religious factor in the field of international humanitarian law, in the field of international criminal law. We must not forget the fact that religion constitutes a bastion on the international level that defends the being of the nation, the spiritual essence of peoples, from the vicissitudes of time and political pride.

All these things must be passed through the international legal filter, giving legitimacy and legality to the religious factor but also amplified powers.

V. The novelty and scientific originality of the thesis

The novelty and scientific originality of the thesis reside in the highlighting, investigation and research in detail of some religious themes with overwhelming incidence and importance in the international sphere, namely:

1. The legal framework of the functioning of religious cults

2 The position of the state in relation to the church as well as the position of the church in relation to the state.

3 Approaching fundamental human rights and freedoms both from an inter-confessional point of view and from a legal-biblical point of view.

4 Approaching the sphere of ecclesiastical diplomacy - a determining factor within public international law - both through the lens of international church conventions (the concordat) and in the light of inter-church relations as a reflection of the fraternal diplomatic communion based on the teaching of Christ who commanded "that all be one ".

5 The updating of religion on an international level, viewed both as a pacifying element and as a conflict-generating element.

6 The contribution of religion in international

humanitarian law, in the sphere of domestic law as well as its influence and incidence in international criminal law.

7 Concluding by extension we can say that we find the religious element in Public International Law in the following:

a. Religion is the moral factor underlying the principles of public international law.

b. The Church is a divine-human institution that influences the state in its mainly legislative activity as well as the population as a constituent element of the state.

c. The Church as an autonomous institution brings added value through the international acts concluded in the field of international treaty law (for example, see the Concordat)

d. Religion is an ardent supporter and an important vector in the promotion and defense of fundamental human rights and freedoms, the church being a fundamental and first-rate institution through its divine origin in the field of international human rights law - both in times of peace and in time of war - international humanitarian law.

e. The Church, through diplomatic-theological relations, constitutes an important factor in diplomatic law, pacifier and a promoter of peace and diplomacy in the spirit of communion and good inter-church relations , relations that can constitute a

model to be followed in political, economic and cultural diplomacy .

f. As a promoter and defender of the supreme right to life, the church is and must be important factors in the field of international environmental law. By defending the environment, we defend life and implicitly man - the center of the universe.

g. Religion, through the commandment *"not to kill"* defends life, being at the same time an important vector in international criminal law, being the fact that it prohibits crime as a sin, also criminalized in this field by the worldwide spread of crimes against peace, against humanity and war crimes.

h. Within the institution of the peaceful settlement of international disputes, religion can be a doctrinal phenomenon through the pacifist ideology that has its source in Christ " *My peace is I give to you, I leave my peace to you* ."

The scientific problem solutionata consists in the elaboration of the theoretical and practical support to identify, for the first time, some new concepts and problems related to the relationship between religion and Public International Law.

Through the complete and detailed presentation, through the lens of the objectivity of the realities in this field, the scientific problem solved and pronounced in the doctor's

thesis must not remain only at the theoretical stage, it must also acquire practical valences regulating the conceptual and plastic aspect, the relationship and the place of the religious factor in the system of public international law, giving the international legal system a solid foundation that originates in the supreme source of law. God - as well as the religious and moral valences that can strengthen its legitimacy and legality, implicitly giving the international legal system a well-deserved place and the relationship with the legal systems, also contributing to the improvement and efficiency of the public international law system.

VI. The theoretical importance of the thesis and the applied value

The doctoral thesis has a theoretical-practical value showing interest both in the field of the doctrine of public international law and in the theological field. The thesis has applicability in both fields and can generate conceptually - theoretically even an innovative legislative and doctrinal framework. My theoretical plan, this doctoral thesis constitutes an innovative work, with practical reverberations based on the scientific support presented. We can say that the thesis is a pioneering work in the field of public international law in the matter of the relationship between religion and the international legal system. The doctrine, ideas, concepts, approaches and arguments in the thesis are in accordance with the ideas and concepts unanimously recognized both in the field of public international law and in the sphere of ideology, this not colliding with either the legal doctrine or the theological doctrine.

In other words, we are certain that the doctoral thesis constitutes a scientific- methodological support both for the academic environment of law and for the academic environment of theology. It can be successfully used in seminar

courses, bringing to the students' attention new problems, other than classically studied topics that can stimulate interest and generate creative ideas, while also contributing to the chiseling and spiritual formation of the audience through the prism of the brainstorming process

It is deduced from the themes addressed that raise current problems in the international legal field as well as in the theological field.

In the practical field, the importance of the thesis is relevant by the very absence of such work. Based on the scientific controversy realized or exposed, new ideas, innovative concepts, pertinent arguments and soundly generating creative directions for investigating the topics presented in the matter of public international law as well as in the sphere of theology are highlighted. The thesis can constitute a foundation, a starting point for the relations between the church and the state on the domestic level, as well as a support for the identification of the religious element in the sphere of public international law.

The generating idea of the thesis is for religion to have as much influence as possible in the field of public international law, giving it religious and moral values. We consider the results of the doctoral thesis useful in the process

of training and scientific training of students in law faculties and theology faculties, but not least for practitioners in both fields.

Referring to the servants of the holy altars, the current doctor's thesis must be a scientific foundation that must overcome the limits of conservatism, outdated thinking and conceptions.

Through this approach, without of course altering the theological doctrine, the church can and must become an outpost of evolutionary thinking, of renewal in the evangelical spirit and an implicit fulfillment of the commandment "You are the *Light of the world".*

In the doctor's thesis, the scientific materials from both the legal and theological fields were analyzed that addressed topics of major interest such as: the legislative framework of the cults, the state in relation to the church, human rights filtered inter-denominationally, biblically and legally, the concordat as a form of international treaty, inter-church diplomacy, the influence of the religious factor in international humanitarian law, in domestic law but also in Public International Law in general, especially in international criminal law, the influence of the religious identity factor in relation to the conflict-generating factor.

The more nuanced aspects were also elucidated, all with the idea of clarifying aspects of general and current interest both in the field of public international law and in the field of theology.

The scientific results from the doctoral thesis can be applied in the process of training and scientific training of students and masters in law faculties as well as in theology faculties, now also in the unification and standardization of doctrinal opinions both in the international legal field and theological

VII Approval of results

The themes addressed in the thesis are formulated and elaborated as follows:

1. Auxiliary sources of international biblical law - National Conference with international participation " *Integration through research and innovation"* November 8-9, 2016.

2. The law of treaties. Concordat - A variety of international treaty. National scientific conference with international participation. Integration through research and innovation, USM November 9 - 10, 2017

3. International human rights law. Juridical - biblical approach. International Scientific Symposium. Significant personalities and events from the spiritual life of the Pruto - Nistrean area and its neighbors in the 19th - 20th century, USM, November 24 - 25, 2017, Chisinau.

4. Norms of public international law. The sources of law. International Conference, Law and justice in an era of challenges, October 24, 2016 Iasi, Romania.

5. Religious, cultural and epic concepts in international humanitarian law. National scientific conference with international participation, Integration through research and

innovation. USM. 8 - 9 November 2018.

6. The Decalogue - the universal divine law. Normative and doctrinal reflections in domestic law and Public International Law.

The international conference "International conference the fathers on the Bible of tank Râșca Monastery 3rd - 7th September 2018. The fathers on third Temptation of Jesus in Matthew 4:8-1, September 3 - 7, 2018, Râșca monastery, Suceava, published in Studia Universitatis Moldova .

7. Legal and financial aspects regarding religious cults in Europe - published in the National Law Review number 6 //2016, Chisinau and in the Candela Magazine - year 25, number 7 - 8 July - August 2016 - Archdiocese of Suceva and Rădăuților - Romania

8. The constitutional regime of religions in the European Union. Candela magazine year 25 number 11 - 12, November - December 2017, Archdiocese of Suceava and Rădăuților - Romania

9. The state is the primary subject of public international law and the church is a divine-human institution. Published in Candela magazine, year 26, number 3 - 4 March - April 2018, Archdiocese of Suceva and Rădăuților - Romania.

10 International human rights law. Interfaith approach.

Published in Revista Candelă, year 26 number 5 - 6 May - June 2018, Archdiocese of Suceva and Rădăuților - Romania.

11. Ecclesiastical diplomacy. Published in the yearbook of "Petre Andrei" University in Iasi, Romania, volume 16, December 2017

12. "Religion, law and violence - a three-dimensional conceptual approach." Published in Studia Universitatis Magazine Moldavia ".

13. International environmental law - the church's concern for the environment, co-authored with university professor Dr. Natalia Za

VIII. Compartmentalization of the thesis

The introduction reveals the importance and object of the investigation and includes the following:

1. Actuality and importance of the topic addressed.

2. The purpose and objectives of the thesis

3. Presentation of the research methodology

4. Description of the situation in the research field

5. The novelty and scientific originality of the thesis.

6,. The theoretical importance and the applied value of the thesis

7 Approval of results

8 Summary of the thesis chapters

In chapter *I "Theoretical and normative reflections on the impact of religion on International Public Law"* we analyzed the scientific works on the topic of the thesis, focusing on the analysis of the most recent materials, thus the works of the following authors were subjected to research: Osmochescu Nicolae, Burian Alexandru, Balan Oleg, Zamfir Natalia, Sircu Diana , Dorul Olga , Arhiliuc Victoria , Gamurari Vitalie, Bolintineanu Alexandru, Năstase Adrian, Aurescu Bogdan, Geamănu Grigore, Pivniceru Mona, Vlaicu

Patriciu, John White Junior, Slabu Petre, Ioniță Viorel, Codița Dumitru, Savu Ticu Mădălin, Tomegea Sergiu, Crețu Vasile, Preda Matăsaru Aurel, Andronovici Constantin, Chifu Lucian, Miga Beșteliu Raluca, as well as relevant international normative acts.

I approached the doctrine in the light of the ICJ statute with references to the practice of international courts, the internal acts of international organizations and states. At the end of the chapter I addressed some decisions of international courts and aspects of the International Court of Justice and its organization, as well as the court's contribution to International Law.

Finally, I addressed the impact of religion in the matter of auxiliary sources of Public International law, proving that religion can be and is in turn an auxiliary source of Public International law.

As a result of the analysis carried out, the main opinions and conceptions with major incidence in the scientific problem addressed in the thesis were highlighted.

In chapter II " *The fundamental human rights and freedoms, a three-dimensional international legal and religious approach* " I addressed legal issues with religious incidence

and reverberations in the matter of Auxiliary Sources of Public International Law.

The right to conscience and religion as a theme included: freedom of thought, freedom of thought, the Internet and international law and how freedom of thought is protected in international law, also showing aspects of non-discrimination.

Regarding aspects of religious symbols and dress, clothing, the right to education and religion in international jurisprudence, we have made a detailed analysis of these aspects, as well as internal and external aspects of religious freedom, dealing in detail with the aspect of "living together" for a future in regarding religious freedom

In chapter III *"I mpact of religion on International Humanitarian Law* " we addressed the history of the impact of religion, the humanization of international law as well as the division of religions and the influence on international law. We have given an important role to international legal norms and the contribution of religion in accordance with international law and its observance. At the end of the chapter I addressed the aspect of symbolism with its various subjects. The concluding chapter with a subsection of conclusions on the

theme of the chapter.

In chapter IV *"Religion - energizing element of Public International Law* " we addressed topics such as: Concordats as international ecclesiastical-diplomatic instruments and the current systems of relations between the church and the state.

We gave an important role to Orthodox ecclesiastical diplomacy, addressing the relations between the Orthodox, Catholic and other churches in current contexts

The chapter ends with aspects about the impact **of relations** within the Orthodox Churches **and** sisters and some conclusions of these aspects.

In the content unit *"General conclusions and recommendations* ", we synthesized the basic conclusions we reached following the research carried out, specifying the problems identified in the relationship between religion and Public International Law as well as formulating the related recommendations.

IX. General conclusions and recommendations

The researches and investigations carried out in the present scientific approach have highlighted the actuality and importance of the topic addressed. The purpose and objectives discussed have been achieved.

The scientific problem solved in the doctoral thesis consists in the development of the tools for the first identification of religion as a dynamic element in public international law. The relationship between religion and public international law as well as the place of religion in the international context, but also some current and major issues that religion raises and solves within public international law.

Analyzing the scientific approach both from a doctrinal and normative point of view, we can say that the scientific foundation of the concept of religion, its place, role and influence within public international law has been achieved.

Synthesizing what is presented in this doctoral thesis, through scientific methods we formulate the following general conclusions:

1. The notion of religion within international law constitutes a foundation that cannot be ignored, because the laws of humanity have their source and are grafted on divine

law. In other words, we cannot talk about law (be it domestic or international) without placing divine law at the epicenter of the legal system - the primary, plenary and eternal source of all human legal systems.

2. The domestic and international legislative framework is actually a fundamental condition for the proper functioning of cults, giving them stability within multi-ethnic and multi-confessional societies . Without a legal framework, we cannot actually talk about the functioning of the ecclesiastical system, which must also have a certain autonomy based on internal canons and regulations, but which, at the same time, must not be independent in the sense of exceeding the normative-constitutional framework domestic and international law.

3. The relationship between the church and the state must be a relationship of collaboration and coordination considering that both the state and the church have at the epicenter of their mission the crown of creation - MAN. The state ensures the progress and well-being of its citizens and the church is the pillar of social cohesion that fulfills the evangelical commandment of the spiritual perfection of man, of ensuring the final spiritual goal of life - salvation in Christ.

4. Human rights and fundamental freedoms constitute a first-rate legal institution both in the theological framework and

in the sphere of public international law. That is precisely why this institution must not remain in a shadow account, nor be elaborated and evaded only at a theoretical level. Both religion and international law must collaborate in order to create the conditions for the exercise of human rights, freedoms and fundamental duties, their promotion both in the domestic and international space, as well as the practical application of the procedures and mechanisms underlying this fundamental institutions of international society. The legal institution of human rights, freedoms and fundamental duties must not collide with religious conservatism which often prevails over certain religious rules and customs that contradict and even tend to annihilate certain norms both domestic and international. Human rights and fundamental freedoms can be said to be a gift from God, they are in human nature and as long as they do not come into conflict with civil and religious laws they must be respected.

5. The opening of the church institution internationally is a big step in affirming it as a divine-human institution. The voice of the church can be known on the international arena through the material acts it carries out as well as through the conferences, congresses, assemblies and synods it holds. Particularly important are the acts of the church on an

international level (in my doctoral thesis I addressed the problem of the concordat, in this case the concordat of the Holy See with Romania) which are a testimony of the inter-church relations that have as a result the strengthening of the institution of the church on the international level as well as the affirmation of the religious identity of each churches, which in turn must form a unique " *corpus ecclesiag "* according to the words of the savior who prayed in the garden of Gethsemane " *That all may be one".*

A great achievement for the church on an international level is the international church congresses and conferences that result in the adaptation by mutual agreement and in the spirit of brotherhood and economy of some international church conventions that have the character of law and can be registered as treaties, the international legal order .

6. Religion is reflected in public international law in several areas. As a result of the investigations carried out in the doctoral thesis, religion has implications as an identity factor in pacifist or conflictogenic relations with other religions. Religion can also have implications in international humanitarian law, in domestic law, constitutional law, family law, labor law, criminal law or in public international law, international criminal law. The presence of the religious

element in public international law is indisputable because it can often be a foundation for many important customary and conventional norms in international law or it can positively influence the doctrine and even the informational legislative framework, often being a pillar, a cohesion factor, a moral and religious landmark for the international sphere.

In order to solve some urgent problems in the theological field with reference to public international law and as a result of the investigations carried out in the doctoral thesis, I make the following recommendations:

1. It is necessary to create a more coherent legislative framework that will constitute the foundation for a better organization and functioning of religious cults.

2. The issue of fundamental human rights, freedoms and duties must never be dissociated. Both religious and international civil norms must be interpreted and not how to annihilate one another, because through the international legal institution of human rights, man must be considered - the crown of divine creation and the center of the Universe. Both divine and civil law must respect human rights and contribute from a legal and religious point of view to the creation of a human consciousness and a structure of humanity in general with multiple valences both spiritually - morally and civically.

3. It is absolutely necessary for the church to come out of the shell of conservatism and some inexplicable limitations and assert itself internationally through all legal forms of expression (conventions, treaties, congresses, conferences, synods, etc.). An important factor in the promotion of the church internationally is the international church organizations (*CMB - Council World of Churches, CEB - European Council of Churches,* etc.)[1]

4. I also recommend that the relations between the cults and the state, regardless of the religious coloration and the form of government, be relations of coordination and collaboration, in a vectorial sense, to respect the supremacy of the state as well as the religious autonomy. When I refer to the religious autonomy of cults, I am not referring to the total independence that exceeds the constitutional and legal limits, risking falling into the extreme of " *state within the state"* , but I am referring to the church as a divine-human institution that must be guided by its canons and regulations not avoiding, in any way, the constitutional and legal framework, both domestically and internationally.

[1]Cristina Ceban , International mechanisms for the protection of human rights, University of European Studies in Moldova. Faculty of Law, Chisinau, 2013, p. 109

5. I recommend in terms of public international law that international legal acts (in this case treaties) be concluded with consideration of the religious element as a factor with general and universal moral - religious authority.

6. The religious factor must be the foundation that runs like a red thread through the international legislative framework, having as its basic idea the concept " *Nihil sine Deo* " - " *Nothing without God"* . "

Bearing in mind that religion finds its place in international law, starting with the fundamental principles of public international law, each of which by deduction are based on religious moral principles, and continuing with the other areas, such as, for example:

- the law of treaties - the old formula for concluding treaties in which God was placed as a guarantee and witness of the conclusion of the treaty as well as of its observance in good faith (" *Pacte sunt servanda "*).

- the conventional norms in public international law are based on customary religious norms;

- in both religious and international law, fundamental human rights and freedoms are defended;

- the church is a religious - moral authority in the international framework both through its acts and through many other forms

of manifestation;

- religious cults are represented in the plan of public international law by international religious organizations, the World Council of Churches (WCC);

- religion through its doctrine and teaching has reverberations and influence in international environmental law (defends the environment and implicitly life - the ultimate good, defends nature and respects it as God's Creation - the All-Creator), in international economic law (the principle of equity according to which each to receive what is due to him for his own benefit), in international humanitarian law (according to which man must be helped to preserve his dignity as the image of God both in time of peace and in time of war), in international criminal law (the church condemns sin at the same time and sinners but with a human sense, defending at the same time against international crimes, crimes against peace, crimes of aggression, crimes against humanity, genocide, war crimes;

- religion can have its foundation in the law of international litigation (international disputes must be resolved in the spirit of divine justice and Christian morality which, on the one hand, must have as constitutive elements justice and freedom from international laws), in the law of international security (international defense must to be common and

collective in the religious spirit of fraternal help);

- religious doctrine must at the same time be a pacifying factor, a reference pillar in the institution of peaceful settlement of international disputes.

The plan of investigations in the perspective of the doctoral thesis is essentially oriented towards the placement of religion and its recognition as a possible auxiliary source of public international law, taking into account in the valences of this field, the place and relationship of religion with public international law as well as religious connotations in the doctrinal plan and international legislation.

In this sense, the action of drafting international laws must be taken into account, the impact of religion on public international law should be further studied, taking into account the dynamic character of the two fields (theology and international law) and evaluated in a continuous rhythm and supported both the theological doctrine and the international legislative framework as the foundation of an international society based on morality and law

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16„ **The Ecological Decalogue** " - being published in the

magazine, Evrika , Braila , Romania and supported during the Conference international „ Cygnus ," Vatra Dornei 30 August-1 September 2019, Romania

The topic of the Doctoral Thesis **" THE SPRINGS ". AUXILIARY PUBLIC INTERNATIONAL LAW " '**

PhD student,

ANDREI PETRE

ANNOTATION

Dr. ANDREI PETRE

" *AUXILIARY SOURCES OF PUBLIC INTERNATIONAL LAW* "

Doctor of Law thesis Chisinau 2022

Specialty 552.08 - Public International and European Law

Thesis structure . The thesis is structured as follows: Introduction, 4 Chapters, 363 Pages, 1 General conclusions and recommendations, 7 Appendices, 743 Bibliography with Titles, 129,362 Words.

Head. 1. Theoretical and normative reflections on the impact of religion on Public International Law

Head. 2 Human religious rights and freedoms-a three-dimensional legal, international and theological approach

Head. 3 The impact of religion on international humanitarian law

Chapter 4 Religion – dynamic element of Public International Law

Keywords: public international law, religion, church, human rights, state, ecclesiastical diplomacy, humanitarian international law , auxiliary sources, law..

Field of study : International and European public law.

The purpose of the doctoral thesis . It consists in carrying out complete in-depth and far-reaching scientific investigations resulting in the revelation of doctrinal, normative, theoretical-conceptual and practical problems both from the international legal and theological aspect, as well as the interdependence between theology and public international law.

The objectives of the thesis

Analysis and resolution of current problems, ideas, theoretical-scientific concepts, doctrinal opinions and normative acts that target certain segments of the international law sphere with reference to the theological field and involvement in the matter of auxiliary sources of Public International Law

The scientific novelty and originality of the obtained results resides in the fact that the thesis is a pioneering work in the field of public international law, and that it places religion in the international legal arena, giving the relationship between the two fields (theology and public international law) theoretical-conceptual and normative valences- doctrine with applicability both in the theological field and in the sphere of public international law.

The supported opinions have doctrinal and normative

arguments, constituting the ideological support in affirming the fact that religion is an auxiliary source of Public International Law

The important scientific problem solved consists in the elaboration of a theoretical-conceptual and practical normative support that is the basis of some problems concerning the legislative framework of the cults at the international level, human rights filtered interconfessional, legal and biblical, the institution of ecclesiastical diplomacy as a form of international diplomacy, the concordat as a variety of the international treaty , the implications of the Decalogue in the sphere of international laws , religion as a conflicting but also pacifying element in the international arena .

The theoretical significance of the thesis consists in the fact that the work represents a complete, solid and in-depth doctrinal, normative, theoretical- conceptual and scientific-methodological foundation both for the sphere of theology and for the vast field of public international law, contributing equally to the development and consolidation of two areas of utmost importance and general interest for all humanity.

The applied value of the thesis it is conditioned by the conceptual-theoretical and scientific-didactic contribution as well as the relevance and importance of the recommendations

formulated in the thesis and which are proposed and submitted to the competent institutions for theoretical deepening and practical application.

The implementation of scientific results is reflected in the training process of students from the faculties of law and international relations, as well as students from the faculties of theology. The topic under research was presented on the occasion of some international seminars, conferences , symposia as well as in the form of articles in various publications (16 articles published) in the Republic of Moldova and in Romania.

APPROVAL
ANDREY PETRE

" INTERNATIONAL HELPFUL SOURCES PUBLIC LAW "

Докторская дерессия в области права Chişinău 202 2

Specialization 552.08 - international and European public law

Dissertation structure. The dissertation is structured as follows: Introduction, 4 chapters, 3 62 pages, 1 general conclusions and recommendations, 7 appendices, 7 43 bibliographies with titles, 1 29,362 words.

Head. 1. Theoretical and normative thoughts on the influence of religion on international public law.

Head. 2 Religious rights and human freedoms – three-dimensional legal, international and theological approach

Head. 3 Influence of religion on international humanitarian law

Chapter 4 Religion – a dynamic element of international public law .

Keywords: international public law, religion, church,

human rights, government, church diplomacy, international humanitarian law, auxiliary sources, law.

Область иследование : international and European public law.

The purpose of the doctoral dissertation. It consists in carrying out thorough and extensive scientific researches, as a result of which doctrinal, normative, theoretical-conceptual and practical problems are revealed both from the international legal and theological point of view, as well as the interdependence between theology and public international law.

Thesis tasks

Analysis and solution of actual problems, ideas, theoretical and scientific concepts, doctrinal opinions and normative acts aimed at certain segments of the field of international law in relation to the theological field and participation in the issue of auxiliary sources of international public law

The scientific novelty and originality of the obtained results are that the dissertation is a groundbreaking work in the field of public international law and that it puts religion on the international legal arena, giving theoretical, conceptual and normative valences to the relationship between the two areas

(theology and public international law). doctrine with applicability both in the theological region and in the region of public international law.

Supported opinions have doctrinal and normative argumentation, which constitutes ideological support for the assertion that religion is an auxiliary source of international public law.

The important scientific problem to be solved is the development of theoretical-conceptual and practical normative support, which is the basis of some problems related to the legislative basis of cults at the international level, inter-confessional, legal and biblical human rights filtering, the institute of church diplomacy as a form of international diplomacy, the Concordat as a variant of the international treaty , the meaning of the Decalogue in the sphere of international law, religion as a conflict-forming element, but also a dummy in the international arena.

The theoretical significance of the thesis is that the article represents a doctrinal, normative, theoretical-conceptual and scientific-methodological basis, complete and solid both for the field of theology and for the broad field of international public law, making the same contribution to development and

consolidation. two areas of primary importance and general interest for all mankind.

The practical value of the dissertation is due to its conceptual-theoretical and scientific-didactic contribution, as well as the relevance and importance of the recommendations formulated in the dissertation, which are offered and presented to institutions authorized for theoretical and practical application.

The implementation of scientific results is reflected in the process of training students of the faculties of law and international relations, as well as students of theological faculties. The topic presented in the study was presented on the occasion of seminars, international conferences, symposia, as well as in articles in various publications (16 published articles) in the Republic of Moldova and Romania.

ANDREI PETRE

AUXILIARY SOURCES OF PUBLIC INTERNATIONAL LAW

Doctoral thesis in public international and European law

552.08 – Public international and European law

ABSTRACT OF THE DOCTORAL THESIS IN LAW

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The thesis was developed within the Doctoral School of Legal Sciences , State University of Moldova

Author:

PhD student Andrei Petre

PhD supervisor:

Osmochescu Nicolae, university professor Dr.

Guidance Committee:

Arhiliuc Victoria, university professor, dr. hab. in law.

Sârcu Diana, university associate, dr. hab. in law

Zamfir Natalia, university associate, doctor of law

The support will take place at ……..

The abstract and the doctoral thesis can be consulted on the website of the Doctoral School of Legal Sciences (http:///.....