

THE REORGANIZATION OF JUSTICE BY THE COMMUNIST REGIME ACCORDING TO THE CONSTITUTION OF THE ROMANIAN PEOPLE'S REPUBLIC OF 1948 AND ITS CONSEQUENCES ON ROMANIAN SOCIETY

Mirela TĂRĂBÎC

Abstract: *The Constitution of the Romanian People's Republic of 1948 represented the instrument by which the Romanian Workers' Party prepared the transition of the entire economy under state control. The constitution, being the fundamental law of the state, imposed the principle of popular sovereignty instead of national sovereignty, a fact that allowed the U.S.S.R. to intervene in the political and economic life of Romania. The Romanian state was organized on the principle of the unity of powers, and the leading role was held by the Romanian Workers' Party. The economic provisions prevailed over the political ones, the Constitution being the instrument, apparently legal, through which private property was abolished and the transition of the entire economy and private institutions under state control was being prepared, i.e.: banks, enterprises, means of production, internal and external trade, etc. Starting from 1948, the judiciary in Romania became an instrument to keep under control the population of Romania, condemned to live in a regime totalitarian communist.*

Keywords: *justice, communist regime, Constitution of the Romanian People's Republic of 1948, laws, decrees.*

Introduction

The political, legal, economic, and cultural transformations that began in Romania in 1990, following the removal of the communist regime and the establishment of a democratic government, made it possible to investigate the most challenging period in the country's recent history: the totalitarian era.

After the events of 1989, reconstructing contemporary or immediate historical events became a priority for historians, who gained access to and utilized numerous documents preserved in the national state archives and military tribunal records.

This article aims to analyze the manner in which the communist authorities reorganized the Romanian justice system starting in 1948. The foundation of this investigation consists of scholarly literature, legislation, and decrees issued by the communist authorities concerning the judiciary and its functioning from that year onward. The Constitution of the People's Republic of Romania, adopted on April 13, 1948, became the fundamental legal instrument used by the communist regime

to restructure Romanian political, legal, economic, administrative, religious, and cultural life.

The forced abdication of King Michael I of Romania, the dissolution of the Romanian Parliament, the proclamation of the People's Republic of Romania on December 30, 1947, the falsification of the 1948 elections by the Communist Party, and the concentration of all state power into the hands of a single party—the Romanian Communist Party (renamed the Romanian Workers' Party during 1948–1964)—enabled the comprehensive reorganization of state structures according to totalitarian principles, in line with the Soviet model.

A particularly unconstitutional act occurred on February 4, 1948, when Petru Groza, President of the Council of Ministers, signed in Moscow with Vyacheslav Molotov, the Soviet Minister of Foreign Affairs, a protocol titled *"Regarding the Specification of the State Border Line between the People's Republic of Romania and the Union of Soviet Socialist Republics."* The document stated that "Snake Island, located in the Black Sea east of the Danube mouths, is part of the Soviet Union." Through the signing of this protocol—without any mandate to do so—Prime Minister Groza effectively relinquished Snake Island, a Romanian territory that had never been part of Russia or the USSR (Focșăneanu, 2009, pp. 179–180).

This transfer of Romanian territory constituted a blatant violation of the Romanian Constitution of 1923, which stated in Article 2: "The territory of Romania is inalienable. The borders of the state may not be changed or rectified except by virtue of a law." (*Monitorul Oficial*, no. 282, March 29, 1923). The handover of the island was formalized through a protocol signed on May 25, 1948, by two officials: Nicolai Pavlovich Sutov, First Secretary of the Soviet Embassy and representative of the Ministry of Foreign Affairs of the USSR, and Eduard Mezincescu, plenipotentiary minister and representative of the Ministry of Foreign Affairs of the People's Republic of Romania.

The Reorganization of the Romanian Justice System After the Second World War

Following the dissolution of the Romanian Parliament, the *Great National Assembly* became the unicameral legislative body of the People's Republic of Romania. It issued a series of laws and decrees in accordance with the 1948 Constitution of the People's Republic of Romania. Regarding the functions and competencies of the Great National Assembly, Chapter 3 of the Constitution stated: Article 22: The supreme state authority of the People's Republic of Romania is the Great National Assembly.

Article 23: The Great National Assembly is the sole legislative body of the People's Republic of Romania.

Article 24: The Great National Assembly holds the following powers:

- a) electing the Presidium of the Assembly;
- b) forming the government;
- c) amending the Constitution;

- d) addressing matters of war and peace;
- e) approving national economic plans;
- f) approving the state budget and taxes;
- g) establishing, renaming, merging, and dissolving ministries;
- h) modifying the territorial-administrative divisions;
- i) granting amnesty;
- j) overseeing constitutional compliance.

Article 25: "The Great National Assembly is elected by the working people, citizens of the People's Republic of Romania, in electoral constituencies, with one deputy for every 40,000 inhabitants. The Great National Assembly is elected for a term of four years."

Article 26: A law is considered adopted if passed by a simple majority vote. (Official Gazette No. 87 bis, April 13, 1948)

With the establishment of the communist regime, the Court of Cassation and Justice—originally created under the Paris Convention of August 7/19, 1858 (Article 38)—ceased to operate under its own law. Its organization and operational rules were instead defined by Law No. 341 of December 5, 1947, on judicial organization, published in the Official Gazette, Part I A, No. 282. As early as 1945, Law No. 63 of January 31, 1945, had reduced the number of court sections to three and the number of judges to 51, with 17 judges per section plus section presidents and the chief president (Official Gazette, No. 25, February 1, 1945).

Following the adoption of the 1948 Constitution, Decree No. 132 of April 1, 1949, was issued by the Presidium of the Great National Assembly and published in the Official Bulletin, Part I, No. 15. This decree repealed Law No. 341/1947. Under the new law, the High Court of Cassation and Justice was renamed the Supreme Court. The number of judges was reduced to 28, and the court was divided into two sections: the **Penal Section**, which handled appeals related to customs law, forestry law, military court decisions, and other criminal matters and the **Civil Section**, which ruled on all other types of appeals.

In the summer of 1948, the new Education Law was enacted to centralize, politicize, and fully control Romania's educational institutions at all levels. Decree No. 174 on education reform was published in the Official Gazette on August 3, 1948. Its objectives were to "educate youth in the spirit of people's democracy" and to "train middle- and high-level specialists according to the scientific needs of consolidating people's democracy and building socialist society."

Based on this 1948 Education Law, Decree No. 297, published on October 29, 1948, established one-year legal training schools in Bucharest, Iași, and Cluj. Candidates for these schools were selected by county trade union councils and accepted by the Ministry of Justice. These individuals were removed from the labor force, received a monthly stipend, and upon completion of one year of training and a final examination, were granted diplomas that qualified them for judicial, prosecutorial, or other legal positions.

On December 15, 1948, the authorities in Bucharest established military tribunals in Sibiu and Brașov, along with corresponding prisons. This reflects the

fact that, beginning in 1948, the communist regime initiated a Soviet-inspired reorganization of Romania's judiciary. The period saw the highest number of magistrate dismissals and the dissolution of the bar associations on January 17, 1948, which were replaced by the Colleges of Lawyers of the People's Republic of Romania. Justice Minister Lucrețiu Pătrășcanu was dismissed and replaced on February 24, 1948, by Avram Bunaciu (Tărăbîc, 2019, p. 217).

By the end of 1948, as a result of the new Law on Judicial Organization, the Code of Civil Procedure, the Criminal Code of the People's Republic of Romania, and the Code of Military Justice, the entire Romanian justice system was brought under full control of the communist regime.

Law No. 18 of February 12, 1948, published in Monitorul Oficial No. 35, amended the Code of Civil Procedure and defined the jurisdiction of judicial bodies under the newly established legal system of the People's Republic of Romania. According to Articles 1, 2, and 3 of this law, the judicial hierarchy and corresponding competencies were clearly delineated.

According to **Article 1** of Law No. 18 of February 12, 1948 (Monitorul Oficial, No. 35), the local courts are competent to adjudicate all claims that are not expressly assigned by law to other judicial bodies. This provision establishes local courts as courts of general jurisdiction where no specific competence is otherwise provided.

Article 2 defines the jurisdiction of the Tribunals as courts of first instance over the following types of cases:

- 1) commercial disputes;
- 2) cases concerning interdiction and judicial guardianship;
- 3) matters related to matrimonial agreements;
- 4) issues concerning the transcription of deeds relating to the transfer and enforcement of immovable property, as well as the registration of privileges, mortgages, and pledges.

Article 3 of Law No. 18 of February 12, 1948 (Monitorul Oficial, No. 35) provides that the Courts of Appeal (Curtile) are responsible for hearing appeals filed against judgments delivered by Tribunals acting as courts of first instance. In addition, the Courts are competent to rule on cassation appeals against decisions rendered by Tribunals either in their capacity as appellate courts or as courts of first instance where no right of appeal exists. They are also empowered to hear appeals against decisions issued by jurisdictions established under special laws, unless those laws or the current law assign the matter to another appellate court. Furthermore, the Courts of Appeal shall also adjudicate any other matters that are expressly assigned to them under applicable law.

Article 4 assigns jurisdiction to the Court of Cassation (Curtea de Casație), which shall hear: 1) cassation appeals against final decisions issued by the Courts of Appeal;

2) appeals against non-final decisions and judicial acts of any kind, if such acts cannot be challenged through any ordinary legal remedy and the trial proceedings would otherwise be halted;

3) any other matters that are specifically designated by law as falling within the jurisdiction of the Court of Cassation.

The Constitution of the People's Republic of Romania, published in Monitorul Oficial, No. 87 bis, on April 13, 1948, was the first constitution of communist Romania, drafted in accordance with the model of the 1936 Constitution of the Soviet Union. The document consists of ten titles and 105 articles.

As the fundamental law of the Romanian state, the 1948 Constitution enshrined several core principles of the new regime, including the abolition of political pluralism, the elimination of the separation of powers, and the violation of fundamental civil rights and liberties—even though such rights were formally included in the constitutional text. It also established the dismantling of private property rights.

The highest state authority was designated as the Great National Assembly (Marea Adunare Națională), while the government functioned as the executive and administrative organ of power, accountable to the Assembly.

The judiciary was composed of the Supreme Court, Tribunals, and People's Courts (Judecătoria Populare). A key institutional change was the elimination of judicial irremovability, which had previously guaranteed that judges could not be arbitrarily transferred, dismissed, or replaced. According to Title VII – Judicial Organs and the Prosecutor's Office, the Romanian justice system was reorganized in alignment with the political goals of the new regime.

„Art. 86. – The judicial bodies are: the Supreme Court, one for the entire country, the Courts of Appeal, the Tribunals, and the People's Courts.

Art. 87. – By law, special courts may be established for certain branches of activity.

Art. 88. – In all courts, with the exception of the Supreme Court, trials take place with the participation of people's assessors, except in cases where the law provides otherwise.

Art. 89. – The First President, Presidents, and members of the Supreme Court are appointed by the Presidium of the Great National Assembly of the People's Republic of Romania, at the proposal of the government.

Art. 90. – The Supreme Court supervises the judicial activity of the courts and judicial bodies, under the conditions of the law.

Art. 91. – In all courts, proceedings are public, except in cases and under conditions provided by law.

Art. 92. – The right to defense before all courts is guaranteed.

Art. 93. – Judges of all ranks are subject, in the exercise of their duties, only to the law and apply the law equally to all citizens.

Art. 94. – A law shall determine the organization and functioning of the courts, as well as the manner of appointment and removal of judges of all ranks.

Art. 95. – In the People's Republic of Romania, the Prosecutor's Office supervises the enforcement of criminal laws by both public officials and all other citizens.

Art. 96. – The Prosecutor’s Office especially oversees the investigation and punishment of crimes against democratic order and freedom, economic interests, national independence, and the sovereignty of the Romanian State.

Art. 97. – The Prosecutor’s Office consists of a General Prosecutor of the People’s Republic of Romania and several prosecutors. A law shall determine the organization, duties, and functioning of the Prosecutor’s Office.

Art. 98. – The General Prosecutor of the People’s Republic of Romania is appointed by the Presidium of the Great National Assembly of the People’s Republic of Romania, at the proposal of the government”. (Monitorul Oficial, No. 87 bis, April 13, 1948)

The 1948 Constitution of the People’s Republic of Romania represented the key legal instrument through which the Romanian Workers’ Party prepared the transfer of the entire national economy under state control. As the fundamental law of the state, the Constitution replaced the principle of national sovereignty with that of popular sovereignty, thereby legitimizing the Soviet Union’s involvement in Romania’s political and economic affairs.

The state was organized according to the principle of the unity of power, with leadership exercised exclusively by the Romanian Workers’ Party. Economic provisions took precedence over political ones, serving as the seemingly legal mechanism for bringing the entire economy—including banks, enterprises, means of production, and both domestic and foreign trade—under state ownership.

For instance, Article 11 of the Constitution stipulates that the means of production, banks, and insurance companies could become state property when the general interest required it. Article 14 establishes state control over both domestic and foreign trade, while Article 15 introduces the principle of centralized economic planning. The constitutional principle of the inviolability of private property was thus eliminated, laying the groundwork for the eradication of private ownership, which had been guaranteed under the 1923 Constitution.

Furthermore, under Articles 103 and 104, the Constitution could be amended at any time, as an ordinary law, either at the proposal of the government or of one-third of the deputies (Article 103), and even during an ordinary session of the Great National Assembly (Article 104). These articles demonstrate the abandonment of the concept of constitutional revision, which traditionally required a more complex and rigorous procedure.

The constitutional text also notably omits any mention of the Legislative Council, which had previously reviewed the constitutionality of draft laws. This omission reflects the regime’s disregard for legal safeguards and its prioritization of political concerns. The omission was deliberate, as the Legislative Council—composed of highly qualified legal experts—had previously created obstacles for the Petru Groza government during the December 20, 1947 session of the Chamber of Deputies, when it returned two draft laws to the Ministry of Justice with sound and well-reasoned objections.

1. The first [draft law] concerned the amendment of Article 265 of the Penal Code, regarding the illegal crossing of the state border. It

proposed disproportionately severe penalties and included logical absurdities, such as the notion of attempting to commit unintentional offenses.

2. The second involved the amendment of Articles 1 and 2 of Law No. 877 of December 9, 1940, whereby the communists, despite their declared opposition to the Iron Guard—their mortal enemy—chose to revive a law enacted by that very regime. The law originally provided for the revocation of Romanian citizenship from individuals abroad who demonstrated behavior contrary to the duty of loyalty to the country. The proposed amendment added provisions not only for the revocation of citizenship, but also for the denial of reentry into Romania upon the expiration of one's passport, along with criminal penalties.

The Great National Assembly, disregarding the negative opinions issued by the Legislative Council, nevertheless passed the two proposed bills. To prevent such obstructions in the legislative process, the regime adopted Decree No. 3 on the Abolition of the Legislative Council following the enactment of the 1948 Constitution of the People's Republic of Romania.

Thus, the economic objectives set forth by the Central Committee of the Romanian Workers' Party, and embedded in the 1948 Constitution, were rapidly implemented. This process resulted in a forced economic equalization of the population—albeit at the lowest possible level of subsistence.

Following the adoption of the Constitution, the General Prosecutor's Office was reorganized through the dissolution of the Legislative Council and the restructuring of the Supreme Court. On April 22, 1948, Gheorghe C. Stere was appointed as the new Prosecutor General of the People's Republic of Romania. He was later replaced on September 17, 1948, by Alex. Voitinovici (Tărăbici, 2019, p. 218).

Beginning in 1948, new laws supplementing the Penal Code became significantly more punitive. For instance, Article 184 of the Penal Code prescribed life forced labor as the punishment for "high treason." Moreover, Law No. 16/1949 introduced the death penalty for the offense of "treason against the homeland."

Under this law, capital punishment could also be imposed for a range of offenses deemed to threaten state security. These included the procurement or transmission of state secrets to a foreign or enemy power (Article 1, letter b); conspiracy against the internal or external security of the People's Republic of Romania (Article 1, letter c); acts of terrorism committed either individually or in groups, as well as the formation of bands for terrorist or sabotage purposes (Article 1, letter d); and the theft of weaponry or military equipment.

Additionally, the 1948 Penal Code of the People's Republic of Romania introduced under Article 209 the crime of conspiracy against the social order (*uneltire contra ordinii sociale*), which was sanctioned with severe penalties.

The 1948 Penal Code of the People's Republic of Romania, under Article 209, introduced the offense of conspiracy against the social order, an offense that was punished with severe criminal sanctions as defined by the regime.

Article 209 of the 1948 Penal Code stipulated that the offense of conspiracy against the social order was punishable as follows:

I. A punishment of six months to three years of imprisonment, a fine ranging from 2,000 to 20,000 lei, and a corrective interdiction for one to three years was applied to the act of advocating—verbally—the change of the democratic form of government of the state.

II. A punishment of three to seven years of imprisonment, a fine ranging from 2,000 to 20,000 lei, and a corrective interdiction for three to five years was applied to the following acts:

(a) engaging in propaganda for the violent overthrow of the existing social order of the state;

(b) founding or organizing secret associations with the aim outlined in the previous point, whether or not such associations had an international character;

(c) acting by violent means to alter Romania's economic or social order;

(d) establishing contact with individuals or international associations, whether abroad or within the country, with the purpose of receiving instructions or assistance of any kind to prepare for the overthrow of the democratic order of the state;

(e) offering any form of support to domestic or foreign associations whose purpose was to combat the economic or social order of Romania by the means indicated in points (a) and (c);

(f) affiliating with or becoming a member of any of the associations mentioned under point (b) and (c).

III. Individuals who initiated, organized, were active in, or participated in fascist-type organizations—whether political, military, or paramilitary—were punished with 15 to 25 years of forced labor and civic degradation for 2 to 10 years.

IV. Those who, although not formally affiliated with the organizations listed under point III, engaged in propaganda or undertook actions in favor of such organizations or their objectives were punished with corrective imprisonment from 3 to 10 years, a fine ranging from 4,000 to 40,000 lei, and corrective interdiction from 1 to 3 years. (Penal Code of the People's Republic of Romania, 1948: 67)

It is important to note that Article 209 of the Penal Code facilitated the imprisonment of a large number of political opponents of the regime, supported by the secret police, police forces, prosecution offices, and the courts. This article became a cornerstone for politically motivated convictions. Furthermore, Law No. 16 of 1949 marked a period of increasingly harsh penalties, particularly aligned with the onset of the forced collectivization of agriculture in Romania.

After the establishment of the totalitarian regime, the Banat region became a symbolic and strategic bridge to the West, primarily due to its border with Yugoslavia. Thousands of Romanians, seeking to escape the communist regime, attempted to cross this border illegally. As a result, a distinct category of political prisoners in communist prisons consisted of individuals charged with illegal border crossing. The 1948 Penal Code, under Article 267, punished this offense with 3 to 10 years of imprisonment and fines ranging from 4,000 to 400,000 lei. The same

punishment was applied to those who facilitated such border crossings. Decree No. 134 of July 14, 1948 was issued to establish penalties for preparatory acts and for assisting in the illegal crossing of the border. (Ciuceanu, 1991: 324)

Also in 1948, a series of harsh laws emerged targeting economic sabotage, speculative trade, and quota evasion, all framed within a political logic. Some of these laws, dating back even to 1945, empowered the authorities to suppress Romanian peasants, particularly in the context of forced collectivization and the destruction of the traditional rural society. For instance, Decree-Law No. 351 of May 1945, published in the Official Gazette No. 101 of May 3, 1945, established the legal framework for repressing economic speculation and sabotage.

A new ideological dimension appeared with Law No. 16 of January 15, 1949, which introduced the concept of proletarian internationalist solidarity. (Official Bulletin, No. 12, January 15, 1949) This law explicitly mandated the punishment of any dissidents or opponents of the socialist state, described as a state "ruled by those who work." According to Article 6, paragraph 1, individuals such as instigators, accomplices, facilitators, or concealers were to be punished alongside direct offenders. Article 2, letter e, stipulated the death penalty for "setting fire to or otherwise destroying industrial or agricultural products or forests." Additionally, Article 4, paragraph 1 stated that persons accused of instigation, complicity, concealment, or the preparation of any acts related to such crimes were to receive the death penalty. Paragraph 2 added that "failing to report knowledge of the preparation or commission of the above crimes shall be punished with forced labor of 5 to 10 years." According to Article 5, the jurisdiction for judging the crimes described in this law was vested in the Military Tribunals.

Based on the reading and interpretation of legislation enacted during the period 1949–1953, it becomes evident that the central government in Bucharest encountered significant resistance from peasants who refused to join the collectivist structures. In response to this opposition, the communist authorities launched a campaign of forced collectivization, employing brutal methods of coercion—arrests, beatings, convictions, deportations, and even killings—all of which were carried out under a legal framework established by Law No. 16 of January 15, 1949, and subsequent legislation. It is clear that these laws violated the fundamental rights and freedoms of Romanian citizens.

In rapid succession, the economic objectives defined by the Central Committee of the Romanian Workers' Party, and enshrined in the Constitution of the People's Republic of Romania of April 13, 1948, were implemented. This process resulted in the economic equalization of the population—albeit at the lowest possible level. The regime's next priority was the restructuring of the justice system, leading to the enactment of Law No. 5 of June 3, 1952, on Judicial Organization, and Law No. 6 of June 19, 1952, on the Establishment and Organization of the Procuracy of the People's Republic of Romania (Official Bulletin, No. 31 of June 19, 1952; Official Bulletin, No. 8 of March 4, 1953).

Under Law No. 5 of June 3, 1952, enacted by the Great National Assembly, the Supreme Court (formerly the Court of Cassation and Justice) was renamed the

Supreme Tribunal, a title it would retain until the fall of the communist regime. According to Articles 35–42—which remained unchanged in the republished version of the law (Official Bulletin No. 8, March 4, 1953)—the judicial system in the People’s Republic of Romania was to be organized around a single Supreme Tribunal, headquartered in Bucharest, led by a President, supported by one or more Vice Presidents, and divided into three chambers: the Civil Chamber, the Criminal Chamber, and the Military Chamber. Each chamber was composed of judges and headed by a president.

The Supreme Tribunal served as the court of appeal for decisions rendered at first instance by regional tribunals, military tribunals of military regions and the Navy, territorial military tribunals, and the Tribunal of the Capital. Additionally, the Supreme Tribunal acted as a court of first instance in cases specifically assigned to its jurisdiction by law. The court also exercised judicial oversight over lower courts through its adjudication of petitions for correction and through guiding rulings issued by the plenary session of the Supreme Tribunal, attended by the Minister of Justice and the Prosecutor General.

Law No. 6 of June 19, 1952, on the Establishment and Organization of the Procuracy of the People’s Republic of Romania, was adopted with the purpose of ensuring the supervision and enforcement of the laws of the People’s Republic of Romania “by local organs of state power, central and local organs of state administration, institutions, state organizations and enterprises, cooperative organizations and enterprises, as well as by civil servants and all other citizens; for the defense of the social order and the state system of the People’s Republic of Romania; and for the protection of the legal rights and interests of citizens” (Article 1). Upon its publication in the Official Bulletin No. 8 of March 4, 1953, the procuracy became, in legal terms, an instrument of the totalitarian communist regime in Romania and a loyal ally of the other enforcement bodies, all of which were subordinated to the central and local organs of state power.

With regard to its responsibilities, Article 5 of the aforementioned law specifies the functions of the procuracy as follows:

Article 5 – The Procuracy shall have the following responsibilities:

a) It supervises that the orders, instructions, decisions, provisions, and other normative acts issued by the local organs of state power, by the ministries and other central organs of state administration, by institutions, organizations, and state economic enterprises, as well as by cooperative organizations and enterprises and other public associations, are in compliance with the laws of the People’s Republic of Romania, with the decisions of the Council of Ministers, and with other normative acts;

b) It ensures that any criminal offense is identified in a timely and complete manner and that it is justly punished;

c) It oversees the protection of individual liberty, supervises and controls the legitimacy and legality of the detention or preventive arrest of citizens, and takes measures to release those who are detained or arrested unlawfully;

d) It monitors the uniform and fair application of laws by the courts throughout the entire territory of the People's Republic of Romania, supervising their judicial activity;

e) It oversees the activity of bodies responsible for the enforcement of judicial decisions (verdicts), as well as the institutions in which sentences and medical or pedagogical measures are executed, ensuring the legality and proper conditions of such enforcement.

Furthermore, the district courts (*judecătoriile de ocol*), which had limited jurisdiction and were located close to rural settlements, were abolished. They were replaced by people's tribunals (*tribunalele populare*) with full jurisdiction, including in criminal matters, located in the administrative centers of each district (*raion*).

The appeals process was eliminated by abolishing the courts of appeal and replacing them with regional tribunals (*tribunalele regionale*), located in regional capitals. These tribunals had jurisdiction to hear appeals against decisions rendered by the people's tribunals. The former Court of Cassation and Justice, renamed the Supreme Tribunal (*Tribunalul Suprem*), was charged with adjudicating extraordinary appeals against final rulings and issuing guiding decisions.

Alongside professional judges with legal education, people's assessors (*asesori populari*) were appointed at all levels of the judiciary. These were typically workers and, more rarely, peasants—individuals without legal education, and often not even high school graduates. They were appointed after completing a six-month special legal training program. Judges were thus accompanied by these assessors, introduced through Law No. 341 of December 5, 1947, on Judicial Organization, which created the appearance of popular representation similar to that of a jury court (*Monitorul Oficial*, Part I A, No. 282 of December 5, 1947).

Moreover, the term “*parchet*” (public prosecutor's office) was replaced by “*procuratură*” (procuracy), with a hierarchical structure matching that of the judiciary—regional procuracies and the General Procuracy, the latter being empowered to file extraordinary appeals against final rulings and to request the Supreme Tribunal to issue interpretive decisions.

Regarding the legal profession, starting in 1948, its practice was primarily governed by Decree No. 39/1950 and later by Decree No. 281/1954. In 1950, based on Articles 44(2) and 45 of the Constitution of the People's Republic of Romania, and pursuant to Decision No. 99 of the Council of Ministers (February 11, 1950), the Presidium of the Great National Assembly issued Decree No. 39 of February 13, 1950, concerning the legal profession. In the first chapter—General Provisions—the first 14 articles addressed the practice of law, the College of Lawyers, and the criteria determining who could or could not practice law, even if they held a legal degree.

„Article 1.

The legal profession in the People's Republic of Romania is tasked with defending the interests of litigants in accordance with the material truth and based on the principles of socialist legality.

Article 2.

Only members of the Colleges of Lawyers (Colegiile de avocați) are permitted to practice law.

Article 3.

The Colleges of Lawyers operate in the capitals of the counties and are placed under the guidance and supervision of the Ministry of Justice. These institutions possess legal personality.

Chapter II: Admission to the College of Lawyers

Article 4.

To be admitted to a College of Lawyers, a candidate must be a Romanian citizen, possess full civil and political rights, and meet the professional training requirements established by decision of the Minister of Justice. Graduates of the one-year legal schools may enroll in the College of Lawyers under the conditions set forth by this decree.

Article 5.

The following individuals are deemed unworthy of becoming lawyers:

- a) Former landowners (moșieri), industrialists, merchants, and all those who exploit or have exploited wage labor;
- b) Persons convicted of crimes that undermine the political, social, or economic foundations of the People's Republic of Romania, or any other crimes that the Council of the College considers to render the individual unsuitable for the legal profession.

Article 6.

The practice of law is incompatible with:

- a) Active military service;
- b) The status of priest or any other ecclesiastical office;
- c) Any remunerated public office;
- d) Being a salaried employee, except for those employed in legal roles;
- e) The status of pensioner.

Article 7.

The practice of the legal profession is not incompatible with the status of:

- a) Member of the teaching staff at Faculties of Legal Sciences and legal schools, as well as a professor of constitutional law or other legal subjects in secondary schools;
- b) War invalid pensioner. The Council of the Colleges may evaluate the re-admittance into the College of lawyers whose incompatibility has ceased. In the event the re-admittance request is approved, the prior period of professional activity before the incompatibility will be counted toward seniority within the College.

Article 8.

Lawyers are required to undergo an effective internship at the beginning of their legal practice. During the internship period, they are designated as trainee lawyers (avocați stagiaři).

Article 9.

Enrollment in the College is executed through a decision of the Council, confirmed by the Ministry of Justice. The content of the enrollment request and the accompanying documents will be established by decision of the Minister of Justice.

Article 10.

Trainee lawyers are assigned by the Council of the College to collective law offices, where they are then further assigned by the director of the office to work under the supervision, guidance, and responsibility of permanent lawyers. There, they will perform tasks appropriate to their stage of professional training.

Article 11.

Trainee lawyers are obliged to carry out their professional duties effectively. Their obligations include:

- a) Attending court hearings to become familiar with judicial procedures;
- b) Observing important trials and preparing reports on them;
- c) Delivering lectures and producing legal studies according to the instructions of the supervising lawyer or office director, and attending all internship seminars;
- d) Fulfilling assignments related to legal aid services;
- e) Carrying out any other duties or responsibilities assigned by the Ministry of Justice, the College, or their supervising lawyer.

Article 12.

The internship period lasts two years. The internship is extended:

- a) Automatically by one year for those who fail the final qualification exam;
- b) By a period not exceeding one year, based on a decision of the College Council for failure to meet legal obligations or upon a ruling by the Disciplinary Commission. The internship is suspended during military service or in cases of unforeseen or force majeure events.

Article 13.

After the completion of the internship period, the trainee lawyer shall undergo a final qualification examination. The examination boards, along with the date, location, and conditions of the exams for trainee lawyers, will be determined by the Minister of Justice. A candidate who fails to appear for the examination upon the conclusion of the internship, or who fails the exam twice, shall be automatically expelled from the Bar based on a decision of the Council. Exceptions are made for cases of unforeseen events or force majeure that prevented the candidate from attending an examination session, subject to the evaluation of the College Council.

Article 14.

Passing the final examination entitles the candidate to be registered as a fully qualified lawyer (avocat definitiv) in the Bar, in accordance with the

provisions of the subsequent articles. Registration is made by decision of the Council and confirmed by the Ministry of Justice. (...) (Decree No. 39 of February 13, 1950 on the Legal Profession)

Testimonial — Lena Constante, *Evadarea tăcută* (The Silent Escape): Lena Constante, in her memoir *The Silent Escape*, describes the post-1950s legal defenders with deep disillusionment:

“Our lawyers? Pitiful creatures, frightened and servile puppets. Their pleadings? Cheap tricks. They begin by admitting without the slightest doubt all the charges brought against their so-called clients. They not only declare them committed, but also fully proven. Yet they go even further. They pour salt on the wound. They express deep indignation provoked by the ‘crimes of the accused.’ Not one of them even attempts to defend the client.” (Constante, 1992: 111)

In addition to career judges with formal legal education, all judicial bodies also included “people’s judges,” usually workers or, more rarely, peasants, who generally lacked legal education and, in many cases, even secondary schooling. These individuals were appointed to the bench after completing a six-month special legal training course. Thus, judges were flanked by lay assessors (*asesori populari*), introduced through Law No. 341 of December 5, 1947, concerning Judicial Organization, simulating a form of popular representation akin to jury systems. (*Monitorul Oficial*, Part I A, No. 282, December 5, 1947) Judicial institutions were subjected to intense political pressure. Notably, the text of the Constitution omitted any mention of judicial tenure (*inamovibility*), which enabled political interference by party authorities in the appointment and dismissal of judges.

Between 1948 and 1952, after the regime implemented its economic plan and carried out the new judicial reform based on the 1948 Constitution of the People's Republic of Romania, it became necessary to draft and adopt a new Constitution to realize the political vision of the Romanian Workers' Party. This led to the enactment of the 1952 Constitution of the People's Republic of Romania, published in *Buletinul Oficial* No. 1 on September 27, 1952. Political power became virtually unlimited, a fact evident both in the legal provisions and in their abusive enforcement. These laws were often ambiguous, allowing wide margins for arbitrary interpretation. The will of leading political figures, such as Gheorghe Gheorghiu-Dej—General Secretary of the Romanian Workers' Party (1948–1964)—or of state officials, became in practice the supreme law in the totalitarian Romanian state.

References

1. Ciuceanu, Radu (1991). *Intrarea în tunel*, Editura Humanitas, București.
2. Constante, Lena (1992). *Evadarea tăcută*, Editura Humanitas, București.
3. Deșliu, Boris (2002). *Jurnal de avocat*, Editura Vremea, București.
4. Focșăneanu, Eleodor (2018). *Istoria constituțională a României (1959 - 2003)*, Ediția a III- a, Editura Eikon, București.
5. Tărăbîc, Mirela, (2019). *Aspecte privind instaurarea comunismului în Banat (1945 – 1965) reflectate în memoria colectivă*, Editura Eurostampa, Timișoara.

6. Țiclea, Alexandru (2019). *Arta oratoriei*, Editura Universul Juridic, București.
7. Buletinul Oficial, nr. 12 din 15 ianuarie 1949
8. Buletinul Oficial al R.P.R., Partea I, nr. 15 din 2 aprilie 1949
9. Buletinul Oficial, nr. 12 din 15 ianuarie 1949
10. Buletinul Oficial, nr. 1/27 septembrie 1952
11. Buletinul Oficial, nr. 31 din 19 iunie 1952
12. Buletinul Oficial, nr. 8 din 4 martie 1953
13. Decretul nr. 39 din 13 februarie 1950 privitor la profesia de avocat
14. Monitorul Oficial, nr. 282/29 martie 1923
15. Monitorul Oficial, nr. 101 din 3 mai 1945
16. Monitorul Oficial, Partea I A, nr. 282 din 5 decembrie 1947
17. Monitorul Oficial, nr. 87 bis/13 aprilie 1948
18. Monitorul Oficial nr. 177 din 3 august 1948

Note on the author

Lecturer **Mirela TĂRĂBÎC**, Tibiscus University of Timișoara

Fields of interest: History; Latin language (Latin legal terminology).

PhD in history obtained in 2008, at the Faculty of History - Babeș-Bolyai University, Cluj-Napoca, coordinator: prof. Doru Radosav. PhD thesis title: "Aspects regarding the establishment of communism in Banat (1945-1965) reflected in the collective memory".