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The method of action in the case of spontaneous assemblies and riots

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Abstract. In recent times, the number of protests has increased rapidly in Romania, what many participants in these movements do not know is that they are regulated by the law of public assemblies and any organization or participation in such a demonstration must strictly respect these laws and regulations. Law no. 60/1991 on the organization and conduct of public assemblies guarantees the freedom of citizens to express their political, social or other opinions, to organize rallies, demonstrations, processions and any other gatherings, as well as to participate in them, with the condition that the public assemblies in question are peaceful. Public gatherings that take place in markets, on public roads or in other open air places must be declared in advance to the relevant authorities and it is not allowed that they prevent the normal use of public roads, public transport, except for those authorized, the operation of public or private institutions, of education, culture and health or of economic units. Administrative institutions and local police bodies are obliged to ensure the smooth running of public gatherings, and the organizers are obliged to ensure all the necessary measures for the public gathering to take place without incident while respecting the provisions of the law. The organization of public gatherings is prohibited in immediate proximity to railway stations, ports, airports, metro stations, hospitals, objectives, economic units with installations, machinery or machines with a high degree of danger in operation.

Keywords. Police tactics, means of intervention, public order, legal measures, mixed patrols

I. General considerations regarding public meetings

I.1. Public order, definition and concept

The main characteristic of the rule of law is the functioning of all its institutions, in accordance with the rules established by law, while aiming at preventing abuses and ensuring control possibilities.

Analyzing human society from a historical perspective, it tried to codify certain areas of life, by formulating and imposing certain aspects and human relationships, pursuing their compliance through norms and sanctioning behaviors not adapted to these requirements. His status as a "social being" ¹imposed on man the observance of these norms, which evolved in relation to each stage of the evolution of human society, from the first forms of tribal organization to the emergence and development of the state, as a moment of maximum evolution.

¹ Gheorghe Buzescu, *Elements of public order*, Publishing House Pro Universitaria, Bucharest, 2016

The state, through its legislative function, elaborates social conduct norms, general, impersonal, of repeated application and mandatory, liable to be sanctioned by coercive force and to which any other norms of conduct are subordinated.

The state thus ensures the smooth running of public services, the organization of law enforcement and their concrete application by its bodies, which in their totality constitute the administration of a state.

History has shown that a society cannot exist and, even more so, cannot progress without ensuring a well-structured and unanimously respected state of order. It is a normal fact that does not need to be proven, that any activity, to be effective and to be carried out with maximum efficiency, must have its order. In fact, the Romans used to say "ordo est anima rerum".

The origin of the word "order" is from the Latin "ordo" plus "inis", which means natural way of placing, sequence, development of things, facts, phenomena in a certain space and field. In nature, everything takes place according to objective laws, so well conceived and respected that even man would not have succeeded, despite the efforts of millennia to even match them.

Several definitions have been formulated for the concept of public order, in relation to the perspective through which it was viewed, in relation to the membership of those who were concerned with certain disciplines, sciences or areas of activity. Thus, within legal sciences, one of the concepts starts from the idea that public order is a state of law and fact that allows achieving and maintaining the balance based on the social consensus necessary for the optimal functioning of the social whole under the conditions of the internal legal regulations in force, the consecration, the defense and respect of the fundamental rights and freedoms of citizens, public and private property, other supreme values in order to promote and affirm social progress in a democratic society ².

According to Professor D. Alexandrescu, if "order" in its meaning means placing things, in their respective relationships, in relation to each other, and "public" means ³that it belongs to society, then public order means the organization of society.

One of the first definitions is formulated by Vasile Barbu in his work "Introduction to unified Romanian police law" published in 1927. Thus "order is where both people and things or events are grouped, not by chance, but in a way consciously in a close connection, to achieve a certain goal" ⁴.

According to the definition given by the Larousse dictionary, public order is a set of legal provisions whose particularities cannot, in their stipulations, suppress each other's effects.

According to the Explanatory Dictionary of the Romanian Language, 1996 edition, the legal order is defined as "the political, economic and social order in a state, which is ensured by a set of rules and special measures from one social order to another and translates into the normal functioning of the state apparatus, maintaining the peace of citizens and respecting their rights".

The encyclopedic dictionary (vol. V, 2004 edition) defines that public order is "the political, economic and social order in a state, which is ensured by a set of norms and special measures from one social organization to another and is translated by the normal functioning of

² Michael Jacket, *Straight international private*, Publishing House TEACHING and pedagogy, 1976

³ Anane Ivan, *Elements of Theory and Tactics of the Pursuing of Criminals*, Pro Universitaria Publishing House, Bucharest, 2014

⁴ Gheorghe Buzescu, *Theory Rules and practice for police usage*, Pro Universitaria Publishing House, Bucharest, 2016

the state apparatus, maintaining the peace of citizens and respect for their rights and public property".

It is also necessary to note that public order is a balance resulting from the interaction of forces brought together or achieved within a group as a result of its evolution.

Analyzing public order also from the perspective of legal sciences, professor Paul Negulescu formulates that "public order is the material and external state of facts that the legislator guarantees and the administrative authority protects by preventing any disturbance that could be brought to it". According to the same author, its scope includes public peace, the political regime, the organization and operation of public services, the safety of people and goods, public sanitation (in the sense of public health) ⁵.

In another sense, "public order is an order of the rules of social coexistence that have been imposed from the long coexistence of people in society. These rules of social coexistence being contained in legal norms, the notion of public order is a legal notion, public order being a part of the legal order" ⁶.

Other authors appreciate public order from the point of view of administrative law to "designate a minimum of essential conditions for a convenient social life, its content varying with the level of social trust" ⁷.

According to what was presented above, the notion of public order is susceptible, in several meanings, to a narrow meaning, evoking the idea of general police, but also a broader meaning, evoking the idea of specialized police ⁸.

Based on the presentation of these ideas and concepts related to public order, as well as the terminology established by the Romanian Constitution, in the strict sense, public order means the state of legality, balance and social peace that ensures public peace, the safety of the person, of communities and goods, public health and morality, the maintenance of which, according to the principles and norms established by the Constitution, is carried out by coercive measures specific to law enforcement.

The notion of public order also includes that of legal order, i.e. the supremacy of the law, the principle of legality that ensures the functioning of public life in the rule of law.

From the police point of view, public order means the material and external state of facts that the legislator guarantees and that the state authority protects, preventing any disturbances that could be brought to it.

In another opinion, public order refers to the situation resulting from the exact application of legal provisions regarding the protection of life, bodily integrity and freedom of individuals, public and private property, other legitimate rights and interests of citizens, social groups and the state, compliance with the rules of social coexistence, combating manifestations of violence, terrorism, separatism, etc. ⁹.

In the current context regarding the significance that public order represents for our society, the Ministry of Administration and Interior has developed the "National Doctrine of Public Order", according to which Romanian public order is defined as a component of national security and European public order and consists in the state of legality, balance and social peace

⁵ Paul Negulescu, *Treatise on law administrative*, vol.1, 4th edition, Bucharest, 1934

⁶ M. Lugurici, *Notions of legal order and public order in theory and practice*, no. 1/1961

⁷ Antony Lilac, *Administrative rights*, Hercules Publishing House, Bucharest, 2010

⁸ Tudor Cearapin, *English lessons for the Gendarmerie*, Publishing House Ministry of the Interior, 2001

⁹ Ion Bunoaica, *Gendarmerie Romanian - traditions and perspectives*, Publishing House Signs, Bucharest, 1994

that ensures public peace, the safety of the person, the community and goods, health and public morals and whose maintenance is achieved through specific preventive and coercive measures.

Public order, a component of national security, represents the state of legality, balance and peace, corresponding to a socially acceptable level of respect for legal norms and civic behavior, which allows the exercise of constitutional rights and freedoms, as well as the functioning of the state's specific structures. Law and is characterized by the credibility of institutions, public health and morality, the state of normality in the organization and development of political, social and economic life, in accordance with legal, ethical, moral, religious and other norms, generally accepted by society.

Public safety expresses the feeling of peace and trust that the police service provides for the application of measures to maintain order and public peace, the degree of safety of people, communities and goods, as well as for the realization of the partnership between civil society and the police, in order to solve problems the community, the defense of the rights, freedoms and legal interests of the citizens.

The state of order and public safety is achieved through general measures, of an economic, social and political nature, as well as through special measures, predominantly preventive in nature. Its analysis shows the vulnerability of the citizen's safety, the perpetuation of the criminal phenomenon¹⁰ and the development of organized crime, although the response capacity of the institutions of the rule of law to specific risks and threats has increased¹¹.

Order has always existed, in all human societies, as there have also been promoters of disorder, who for various reasons behaved differently than normal, who confused good with evil, had a different perception of the state of normality.

The concept of order is closely related to that of freedom. In an evolved society, freedom is not absolute, because it does not offer people the unlimited possibility of satisfying any arbitrary desires and wishes. Exceeding the limits of the exercise of one's own rights and freedoms leads to the violation of the rights and freedoms of others¹² and, implicitly, the appearance of interpersonal conflicts that can seriously affect established social relations. In this sense, Montesquieu's considerations are included according to which "freedom is the right to do everything that the law allows and if a citizen could do what is forbidden, he would no longer have freedom because the others could also do kind". Freedom is not absolute. Every person is free to do anything, but without violating the rights and freedoms of others. Overcoming this barrier entails serious disruption of interpersonal relations and disruption of the established order in society.

Romanian public order, a component of national security and European public order, is a state of fact in the social field, projection of the legal order in the organization and development of public state activity and reflects the way of respecting the norms of conduct included in the legislation, of rules, as well as public and private property¹³.

¹⁰ Gheorghe Buzescu, *Elements of public order*, Publishing House Pro Universitaria, Bucharest, 2016

¹¹ GD no. 196/17 March 2005, for endorsement sTRATEGY MINISTRY Administration and Internal order fulfillment _ _ and SECURITY OF public , for the growth SECURITY OF CITIZENS and prevention CRIME STREET

¹² Ivan Anane, *The Investigation and tracking of criminals*, Pro Universitaria Publishing House, Bucharest, 2014

¹³ Angel Andreescu, *Aspects looking meetings publicly in the Romania*, Publishing House Transylvania Express, Brasov, 1998

I.2. Public meetings, legal regulations

Public gatherings are actually crowds, more or less organized groups of people.

According to the Explanatory Dictionary of the Romanian language, the term assembly denotes a meeting of several people for the purpose of discussing issues of general interest; group consisting of these persons; concentration of beings in one place.

Considering the importance of public gatherings, the actions and social relations arising from them, the legislator issued a law to regulate the aspects related to these manifestations. Within the respective normative act, the legislator omits to formulate a definition regarding public gatherings and rather enumerates the multitudes that fall within the scope of this concept. Thus, public gatherings represent rallies, demonstrations, demonstrations, sports competitions, processions and the like, which are to be held in markets, on public roads or in other open-air places, international sports competitions, international sports events, cultural-artistic ¹⁴events ¹⁵, sports, religious, commemorative, those occasioned by official visits, as well as those that take place outside or inside the headquarters or buildings of legal entities of public or private interest ¹⁶.

Public assemblies, as human structures, include in them the characteristics of panic and group disturbances. They can be constituted in a conventional way, in peace and order, pursuing legal or incidental purposes to satisfy a natural, normal curiosity, as a result of an unexpected event, or they can be constituted spontaneously, in a violent way, pursuing illicit purposes.

In another attempt to define public assemblies, it is appreciated that they are legal forms of exercising some constitutional rights and freedoms, which must fall within the legality, strictly respecting both the procedural conditions (constitution, organization, conduct) ¹⁷, as well as the norms of social coexistence ¹⁸.

Other authors replace the phrase public assembly either with the term demonstration or rally. Thus, a rally means a gathering, public demonstration, of a very broad character, occasioned by an important political or social event, and the term demonstrations denotes mass demonstrations (on the streets of a city) as proof of sympathy or protest against an ¹⁹event of general interest or towards a person ²⁰. This approach is not unique in specialized works. And other authors use other terms in addition to that of public assembly, in fact notions that designate certain categories of public assemblies: assembly, manifestation, demonstration, march, meeting ²¹.

As a conclusion of the presented definitions, the phrase public assembly represents that crowd of people who, in a legal or not form, in an organized or disorganized, peaceful or violent way, pursue an interest (right, freedom, grievance, ideal, sympathy, etc.) common to all participants or only for a dominant percentage of them (in terms of number or influence).

¹⁴ Law no. 60/1991, republished, with the changes and Completion later, art. 1, paragraph 2

¹⁵ Law no. 60/1991, republished, with the changes and Completion later, art. 2, paragraph 3

¹⁶ Law no. 60/1991, republished, with the changes and Completion later, art. 3, paragraph 1

¹⁷ Ivan Anane, *Elements of criminal procedural law*, Pro Universitaria Publishing House, Bucharest, 2015

¹⁸ Elijah Gorjan, *Restrictions link and the freedom of decision of the administrative authorities in Protection ORDER public*, Publishing House MINISTRY Administration and Internal Affairs, Bucharest, 2004

¹⁹ Gheorghe Buzescu, *Theory Rules and practice for police usage*, Pro Universitaria Publishing House, Bucharest, 2016

²⁰ Angel Andreescu, *Safety Nation and The order public – 1859 – 2000*, Eel Artprint, Bucharest, 2002

²¹ Tudor Cearapin, coordinator, *English lessons fo the Gendarmerie*, Publishing House Ministry of the Interior, 2001

From a legal perspective, public assemblies represent the legal forms of exercising some constitutional rights and freedoms. In the period following the events of December 1989, Romania entered a path of democracy, open to respect for the rights and freedoms of the citizen, respect for and consolidation of the principles of the rule of law. The constitution is the one that regulates the most important activities and actions in the life of a state.

Thus, articles 29, 30 and 39 of the Romanian Constitution enshrine freedom of conscience, freedom of expression and freedom of assembly in which it is stipulated:

- art. 29 (1) Freedom of thought and opinions, as well as freedom of religious beliefs cannot be restricted in any way. No one can be forced to adopt an opinion or adhere to a religious belief, contrary to his convictions;

- (2) Freedom of conscience is guaranteed; it must manifest itself in a spirit of tolerance and mutual respect.

- art.30 (1) The freedom of expression of thoughts, opinions or beliefs and the freedom of creations of any kind, through live speech, writing, images, sounds or other means of public communication are inviolable.

- art.39 Rallies, demonstrations, processions or any other gatherings are free and can be organized and carried out only peacefully, without any kind of weapons ²².

It is worth noting that each of the articles regulating the before mentioned civil liberties presents their content, guarantees their exercise and emphasizes the conditions under which they must be expressed and the specific prohibitions of their exercise.

In order for a right to be exercised and capitalized as such, according to the legal provisions, it must meet at least the following conditions:

– to be stipulated by law;

– to be recognized for the need to satisfy the specific need or need;

– the application of the right not to contravene morals and public order;

– natural persons or legal persons who have a certain right must comply with a certain legal and/or conventional procedure in order to be able to exercise or exploit it, according to the law, but within the limits provided by it;

– precise guarantees should be regulated and the limitations should not limit the exercise of the right in its essence ²³.

The constitution regulates the principles and general aspects, for the specific aspects and the development of the principles and generalities, as stipulated in the fundamental act, laws or other normative acts are used, depending on the field in question.

As regards the observance of the respective freedoms (freedom of conscience, freedom of expression and freedom of assembly), the legislator regulates, in detail, all aspects concerning public assemblies ²⁴. Thus, it is stipulated that: "the freedom of citizens to express their political, social or other opinions, to organize rallies, demonstrations, demonstrations, processions and any other gatherings and to participate in them is guaranteed by law. These activities can only be carried out peacefully and without any kind of weapon" ²⁵.

²² Anane Ivan , *Elements of theory and tactics for the police*, Pro Universitaria Publishing House , Bucharest , 2014

²³ Angel Andreescu, *Aspects looking meetings publicly in the Romania*, Publishing House Transylvania Express, Brasov, 1998

²⁴ Law no. 60/1991, republished, with the changes and Completion later, art. 3, paragraph 4

²⁵ Law no. 60/1991, republished, with the changes and Completion later, art. 1, paragraph 1

Also "public gatherings must be held in a peaceful and civilized manner, with the protection of the participants and the environment, without disturbing the normal use of public roads, public transport, except for authorized ones, the functioning of public or private institutions, those of education, culture and health, of economic units or to degenerate into turbulent actions of a nature to endanger public order and peace, the safety of persons, bodily integrity, their lives or goods or of the public domain..."²⁶.

Law no. 61 of September 27, 1991, for the sanctioning of acts of violation of some norms of social coexistence, public order and peace, republished, with subsequent amendments and additions, provides for the acts that constitute contraventions. Among these, some can be encountered during public meetings:

- committing obscene deeds, acts or gestures in public, uttering insults, insulting or vulgar expressions, threats of acts of violence against persons or their property, likely to disturb public order and peace or to cause indignation of citizens or to harm the dignity and their honor or public institutions;

- the formation of a group consisting of three or more people, in order to commit illegal actions, contrary to public order and peace and the norms of social coexistence, as well as the acts of encouraging or supporting, in any form, such groups of people, that incites social disorder;

- throwing at a person, buildings or a means of transport objects of any kind, with irritant-tear-forming or paralyzing, corrosive or polluting substances, if no injuries to bodily integrity or health or material damage have occurred;

- breaking into the premises of central and local public authorities, public institutions, educational institutions and their premises, regardless of their destination, of autonomous regions, commercial companies, parties or other political formations, governmental and non-governmental organizations, in violation of the legal access rules, embassies and representations of other states or of international organizations on the territory of Romania, as well as unlawful occupation of lands belonging to embassies and representations or lands located in their perimeter or refusal to leave them at the request of "law enforcement";

- writing or drawing, without right, on the walls of buildings, on fences or on objects of common use in public places, damaging them by any means, as well as removing or destroying, without right, advertisements, announcements and posters legally displayed in specific places intended;

- non-compliance with the order measures or the rules established for the smooth running of cultural-sporting events;

- the serving of alcoholic beverages in public places and outside them during public gatherings, strikes, sports events or other similar public gatherings, in the immediate vicinity, as well as the consumption of alcoholic beverages in such conditions by the participants;

- the consumption of alcoholic beverages in the following public places: public roads, parks, stadiums and sports fields, cultural institutions, performance halls, institutions or economic units, all means of public transport, bus stations, railway stations and airports, state and private, or other places provided by law;

- disturbing, without right, the peace of the inhabitants by making noise with any device or object or by shouting;

²⁶ Law no. 60/1991, republished, with the changes and Completion later, art. 2, paragraph 3

– the refusal of a person to provide information in order to establish his identity, to identify himself with an identity document or to present himself at the police headquarters, at the request or at the justified invitation of the criminal prosecution or public order maintenance bodies, in the exercise of service attributions;

– the incitement in any form of minors to commit contraventions ²⁷.

Public assemblies, through their development, sometimes tumultuous and violent, can fall under the scope of the Criminal Code of Romania by committing crimes by people in the crowd regarding²⁸: actions against the constitutional order, murder, hitting or other violence, bodily harm, destruction and other.

Under the scope of criminal liability also comes the commission of the following acts:

– or other such materials, substances or objects, by the participating persons in the places intended for holding public gatherings;²⁹

– violent opposition to organizers, their proxies or law enforcement or preventing them from exercising their legal duties regarding ensuring order in the conduct of public gatherings ³⁰.

Other normative acts have provisions that interfere with the sphere of public gatherings in certain aspects:

– Law no. 550 of December 13, 2004, regarding the organization and operation of the Romanian Gendarmerie;

– Law no. 218/2002 regarding the organization and functioning of the Romanian Police, with subsequent amendments and additions;

– Law no. 371/2004 regarding the establishment, organization and functioning of the Community Police;

– Government Decision no. 196 of March 17, 2005 regarding the approval of the Strategy of the Ministry of Administration and the Interior to achieve public order and safety, to increase citizen safety and prevent street crime;

– Emergency Ordinance of the Government of Romania no. 63 of June 28, 2003, regarding the organization and functioning of the Ministry of Administration and Interior, approved by Law no. 604/2003, with subsequent amendments and additions;

– Government Ordinance no. 11/2006, for the prevention and combating of violence in sports, approved by Law no. 299/2006.

Government Ordinance no. 11/2006, for the prevention and combating of violence in sports, was adopted in order to be able to deal with the increasingly delicate problems that sports events raise. The aggravation of the problems raised by the increasingly violent and irresponsible behavior of some spectators who participate in various sports competitions, especially in football matches, has determined new normative regulations. This ordinance established new obligations for both organizers and spectators. It also tightened the sanctioning regime for violating established norms and obligations.

²⁷ Law no. 61 of September 27, 1991, for PENALTIES facts of violation of some rules of coexistence social, of order and SILENCE public, republished, with changes and Completion subsequent

²⁸ Gheorghe Buzescu, *Peculiarities of contraventional law*, Sitech Publishing House, Craiova, 2017

²⁹ Buzescu Gheorghe, *Theory Rules and practice for police usage*, Pro Universitaria Publishing House, Bucharest, 2016

³⁰ Law , no. 60/1991, republished, with the changes and Completion later, art. 29

II. The potential for conflict in meetings and public events

II.1. Aggression and its forms

From a linguistic point of view, the term aggressiveness comes from the Latin *agressio* which means to attack. Aggression refers to a state of the psychological system by which the person responds with a set of hostile behaviors in the conscious, unconscious and subconscious plan with the aim of destroying, degrading, coercing, denying or humiliating a being or thing invested with meaning that the aggressor feels as such, it represents a challenge for him.

Aggressiveness is an attribute of all living beings on the whole scale of their evolution, its register extending from the attitude of passivity and indifference, refusal of help, irony, teasing, to the attitude of threat and actual acts of violence.

Aggressiveness represents a verbal or action behavior, par excellence offensive, aimed at humiliating, minimizing or even physically suppressing others³¹. Aggressiveness is a destructive and violent behavior directed towards people, objects or oneself and can be considered a characteristic of those forms of behavior directed in a destructive sense, in order to produce some damage, be it material, moral-psychological or mixed. The aggressive act can target some objects (house, car, furniture, etc.³²), the human being (isolated human individual, microgroups, collectivity) or both. The opposite of aggressiveness would be prosocial behavior, which implies cooperation, tolerance, balance. Aggressiveness is not to be confused with antisocial behavior, with delinquency and criminality³³.

With regard to aggressive behavior, with an antisocial sound, several types are differentiated, such as:

- undifferentiated, occasional aggression, which does not necessarily have an antisocial connotation;
- aggressive behavior itself, polymorphous and chronic, which also includes criminal behavior;
- aggressive behavior as an integral, direct expression of a pathological condition, either consequent to a pre-existing neuropsychic condition, or acquired.

Aggressive behavior is directed not only outside the subject, but also at the self. And here we must differentiate between behavioral acts, self-aggression, the most serious form being suicide, and behavioral acts that can endanger the health and balance of the body (smoking, alcohol, drugs). The essential element of differentiation is, of course, the presence of self-destructive intent.

So, in summary, we consider aggressiveness to be any form of oriental conduct with intention towards objects, persons or towards oneself, in order to cause harm, injury, destruction and damage³⁴.

Given the great complexity of this psychological phenomenon, any attempt at typology runs into greater or lesser difficulties. The classification criteria stand out directly or indirectly from the analysis of the coordinates defining aggressiveness. In this sense, we appreciate that the following criteria can be identified:

- a) depending on the aggressor or the person who adopts an aggressive behavior:

³¹ Angel Andreescu, Stefan Plum, *Psychopedagogy military*, Publishing House Timpolis, Timisoara, 1999

³² Gheorghe Buzescu, *The place and role of the civil servant in the state apparatus*, Sitech Publishing House, Craiova, 2017

³³ Nicolae Mitrofan, *Aggressiveness in the Psychology social (collection of texts)*, publishing house Polirom, Iasi, 1996

³⁴ Nicolae Mitrofan, *Aggressiveness in the Psychology social (collection of texts)*, publishing house Polirom, Iasi, 1996

- the aggressiveness of the young and the aggressiveness of the adult;
 - male aggression and female aggression;
 - individual aggression and collective aggression;
 - spontaneous aggression and premeditated aggression.
- b) depending on the means used to complete the aggressive intentions:
- physical aggression and verbal aggression;
 - direct aggression, with direct effects on the victim, and indirect aggression, with intermediaries between the aggressor and the victim.
- c) depending on the objectives pursued:
- the aggressiveness that seeks to obtain some benefits, a material gain;
 - the aggressiveness that predominantly aims to injure and even destroy the victim.
- d) depending on the form of manifestation of aggression:
- violent aggression and nonviolent aggression;
 - latent aggression and manifest aggression ³⁵.

In another sense, the forms of manifestation of aggression are: excitability, impulsivity, propulsivity and violence ³⁶.

Excitability expresses the state of the central nervous system, characterized by maximum sensitivity to environmental factors or internal factors. Manifestations of excitability are:

- gestures of impatience;
- high and irritated tone of voice;
- increased liveliness with excitatory accentuation ³⁷;
- accelerated ideation;
- the effervescence of language, of imagination;
- emotional lability;
- exaggerated self-confidence.

Impulsivity is defined as a characteristic trait involving an impulsive way of reacting through impulses. In their turn, impulses are action modes of involuntary, sudden, uncontrolled and unintegrated reaction in a rational activity (violent acts, explosive discharges, anger reactions) ³⁸.

Impulsivity is an uncontrollable and immediate discharge of a state of emotional tension in an act or behavior. The impulsive act causes the mental tension to cease and can be uncontrolled, unpredictable, irrational, having its origin in subjective motivations or in a reflex relationship.

Propulsiveness represents the triggering of aggression due to an internal spring. It appears forcibly, automatically, without imposing itself on voluntary control. All these

³⁵ Nicolae Mitrofan, *Aggressiveness in the Psychology social (collection of texts)*, publishing house Polirom, Iasi, 1996

³⁶ Angel Andreescu, Stefan Plum, *Military Psychopedagogy*, Publishing House Timpolis, Timisoara, 1999

³⁷ Gheorghe Buzescu, *Police Law - university course*, Sitech Publishing House, Craiova, 2019

³⁸ Ivan Anane, *Elements of computerized records of the person*, Pro Universitaria Publishing House, Bucharest, 2015

manifestations have no logical meaning, are maladapted or unexpected, instinctive, having their origin in the fundamental tendencies of the unconscious.

From a legal point of view, violence means the use of physical force or personal authority to cause harm or harm to the integrity of some people. In psychology, this represents aggressive behavior, most often manifested as a result of frustrations.

The aberrant behaviors represent the set of reactions of some people in response to a lived situation, depending on the stimuli in the environment and the internal tensions of the body, which in a unitary structure, has a motivation, a certain direction and a certain goal. Behavior has three aspects:

- the awareness of the lived situation, and, as a consequence, the person's engagement in action with all perceptions, feelings and maintenance, as well as the person's possibility to solve the situation;
- manifestations are generally observable;
- the manifestations are closely related to the person's reaction to the living environment and the inner environment.

Behavioral disorders are defined as deviations from the normality of the set of observable manifestations, experienced by the subject or manifested objectively in a socio-moral attitude of individuals towards the environment in which they live and in relation to the possibilities it presents.

II.2. The causes and determinations of conflict situations

Public assemblies, as human structures, potentially contain the characteristics of panic and group disorder. As a result of this aspect, and not only, any public gathering must be under the attention of the public order forces. The actions of the public order forces related to such situations influence this potential, a fact that requires from them an analysis of the circumstances of the constitution of the assembly, with particular attention to the identification of the purpose, the degree of tension it has reached, the possibilities of extension to actions of disorder .

In principle, public gatherings are different if one takes into account the purpose of the constitution, the state of mind, the nature and the ways of expressing the attitude. Public assemblies can be established in a conventional manner, in peace and order, pursuing legal or incidental purposes to satisfy a natural, normal curiosity, as a result of an unexpected event. In such situations there is no leadership, but there are agitators who can instigate the respective group to illegal actions. Public gatherings that carry out their activity as they were organized, as a rule, do not pose particular problems for public order forces, provided that there are no factors that disturb the emotional sphere and if they are controllable.

In the case of public gatherings, well organized, led on the basis of a plan and skillfully by a leader, to achieve some goals, usually illegal, they are more difficult to be kept under control. In these situations, rational, respectable, timid or even cowardly people lose their sense of responsibility, motivation and fear when the spirit of revolt, indignation ³⁹, incitement, engulfs the crowd. The tendencies to commit antisocial acts are much more obvious and can take the form of an acute collective madness and in a short time can reach the paroxysm. At this stage, the assembly is very difficult to control, diverted. The people in the crowd who reach this state later regret the actions taken when they return to their sense of responsibility, to their normal state.

³⁹ Gheorghe Buzescu, *Peculiarities of contraventional law*, Sitech Publishing House, Craiova, 2017

Thus, the requirement appears (to avoid such situations), for the law enforcement to ascertain (identify, decrypt) if the gathering can turn into a "mob" that has gone out of control. A crowd can also become tense due to fear or hatred and produce violence or deep negative states. Tense situations can also occur due to the incitement and reckless acts of some people or an opposing group. The manifestation of unconscious states, of naivety combined with fear, has as its finality group panic. The panic of a group is transmitted relatively quickly to other people. Qualified instigation can progressively develop latent states of dissatisfaction, claims, grievances that can be intensified to hatred and desire for revenge. Such moments are most often encountered when hatred and anger target anyone who interferes with the achievement of the goals proposed by the group (crowd) in a tense state.

The created atmosphere influences and can in many situations create moods, feelings and emotional stress for law enforcement. Indecent remarks, obscenities directed at law enforcement can create resentment, as can contact or being too close to people who have weapons, stones, clubs, chains. Fighters who allow themselves to be trained or experience such emotional states are usually quickly annihilated by the crowd, thus becoming ineffective in restoring public order.

It is also worth noting the fact that curious people, waiting spectators usually form a large part of the structure of a disorganized gathering, who at first are impartial and, without presenting any danger, later become attached to the psychology of crowd actions.

The courage and impertinence of the members of a spontaneous assembly, illegal, disorganized or not, increases simultaneously with the number of people who join the assembly. Assembly leaders consistently design actions to convert and attract people curious about the mood of the crowd. The hatred and revenge of an out-of-control crowd are aimed at antisocial acts, they are directed by quick actions that can be stopped by prompt and firm interventions of law enforcement.

No matter how noisy a gathering is, if it is kept under control it does not present a threat, due to the collective state of cowardice. A relatively peaceful gathering can turn into a violent, brutal one if conflict situations arise determined by mobilizing speeches, by the appearance of some people who are treated with hostility or by the decrease in the intensity and density of the specific measures of law enforcement. We note, therefore, that the transitions from confusion to unity, from hesitation to determination take place very quickly.

The world of sports, and in particular that of football, creates favorable conditions for the manifestation of antisocial acts. These can be determined by:

- the circulation of large sums of money used for illicit purposes;
- acts of vandalism by spectators;
- excessive media coverage of facts related to the sporting event;
- illegal methods, doping practiced by some players;
- divergent financial interests of the managers involved in the sports phenomenon;
- rivalry between supporter groups;
- mistakes committed by the organizers or by law enforcement ⁴⁰.

Basically, two types of violence occur in stadiums:

- spontaneous, triggered by the emotional states specific to football matches;
- premeditated that is not always related to the sporting event itself.

⁴⁰ Anane Ivan, *Elements of theory and tactics of the tracking of criminals*, Pro Universitaria Publishing House, Bucharest, 2014

II.3. Forms of destabilization of public order

In the conditions of developments at the global level, there are and are increasing risk factors that can create serious destabilization of the legal order and, implicitly, of public order.

The forms of destabilization that can seriously affect public order are:

a) of a political nature and refers to:

– the lack of national political consensus on the ways and methods of solving the major problems facing society;

– fierce struggle for power, regardless of means;

– the tendency to resolve conflicts between different social, ethnic or religious groups in one's own interest;

– the involvement of the trade union movement in the political struggle;

– the insufficiency of the political game and the principles of democracy;

– insufficient structural and functional consolidation of democracy, of institutions specific to democratic society;

– the revival of extremist organizations, the establishment or reconstitution of groups aimed at destabilizing social-political life, as a result of the implications of some crises.

b) of an economic nature:

– the transition stage that creates social repercussions and that requires, for its solution, external support;

– most requests for financial support or participation in international bodies, addressed by Romania to the international community, were permanently conditioned by the political aspects of the internal situation;

– elements of a sharp decrease in the standard of living;

– trade balance imbalance;

– economic dysfunctions.

c) of a social nature:

– the process of social, political, economic, moral restructuring, which is accompanied by phenomena of evasion of the social organism with unpredictable effects;

– social insecurity, group violence, drug trafficking, weapons and ammunition;

– the proliferation of economic crimes;

– the appearance of new types of crimes (embezzlement of funds, IT crimes, unfair competition, customs, fiscal, banking crimes⁴¹);

– drug use (especially in young people);

– the attempt to penetrate the political life of some leaders of organized crime;

– the professionalization of the criminal structure;

– the reduced efficiency of measures regarding health and social assistance, the educational system, the environment.

d) of an interethnic nature:

– the extent of nationalist-chauvinist, revisionist and separatist tendencies;

– intensifying external pressures for the granting of collective rights to national minorities;

– the existence of the concept of the right to intervene, which can be invoked as a pretext for the protection of the rights of a minority;

⁴¹ Gheorghe Buzescu, *The place and role of the civil servant in the state apparatus*, Sitech Publishing House, Craiova, 2017

- the display of contempt for the law of violent manifestations, parasitism and distrust in a useful activity of the majority of the population and the Roma ethnicity;
- the existence of anti-Romanian demonstrations by some minorities.
- e) of a religious nature:
 - propaganda against Orthodoxy;
 - the competition for the hegemony of Catholicism over Orthodoxy;
 - the action of indoctrinating parishioners on treaty revision issues, creating the myth of religious superiority;
 - creating confrontations by claiming places of worship;
- f) of a psychological nature:
 - the existence of a geopolitical and strategic environment determined by the use of distorted images about the Romanian state, international denigration and the contestation of some fundamental values of Romania;
 - the insufficiency of adaptation of the methods of counteracting the internal aggressive actions that use information, image, disinformation as a weapon;
 - political and social instability combined with "the impossibility of public persons to exercise their authority";
 - external support of extremist-terrorist manifestations and the escalation of social convulsions;
 - the training and support of public figures, leaders, simultaneously with the manipulation of large masses of people, acting on the psychology of the crowds, in order to seriously disturb the legal order.

III. Procedures regarding the organization and conduct of public gatherings during demonstrations

III.1. Procedure and exceptions regarding public meetings

Romania, like any democratic state, allows its citizens, and not only, the exercise of fundamental civil rights and freedoms, without any restrictions, guaranteeing their respect and protection. Freedom of assembly and together with it, freedom of conscience and freedom of expression are protected by the Constitution and expressly regulated in Law no. 60/1991 on the organization and conduct of public meetings, republished, with subsequent amendments and additions.

The law provides for two categories of public gatherings, from the point of view of organization:

- public gatherings subject to the prior declaration procedure: rallies, demonstrations, demonstrations, sports competitions, processions and the like, to be held in markets, on public roads or in other open air places, international sports competitions, international sports events. These public meetings can be organized only after the prior declaration provided by law ⁴²;
- public gatherings that are not subject to the prior declaration procedure: cultural-artistic, sporting, religious, commemorative events, those occasioned by official visits, as well as those that take place outside or inside the headquarters or buildings of legal entities of public or private interest. But also for this category, the legislator introduces the obligation of the organizers to ask for the support of the bodies empowered to ensure public order, under certain

⁴² Law no. 60 of September 23, 1991 regarding organization and CONDUCT gathering public, republished, with changes and Completion later, art . 1, paragraph 2

conditions: they have indications or data that their development could result in acts of disorder or that it could lead to violent manifestations⁴³.

Ensuring the normal development, under conditions of strict legality of public assemblies, is also conditioned by the exact observance of the procedure for their organization and development.

For the organization of public assemblies, the applicants will address, in writing, the mayor of the administrative-territorial unit in whose radius the assembly is to be held. The organizers of the public gatherings will submit the written declaration to the municipal, town or commune town halls on whose territory they are to be held, at least 3 days before the date of their holding. The declaration must include:

- the name under which the organizing group is known,
- purpose, place, date, start time and duration of the action,
- inflow and outflow routes,
- the approximate number of participants,
- the persons empowered to ensure and be responsible for the organizational measures,
- the services they request from the local council, the police and the gendarmerie.

The mayor submits the declaration of the organizers for study to the committee for approving requests for the organization of public meetings (consisting of the mayor, the secretary of the commune or the city, as the case may be, representatives of the police and the gendarmerie)⁴⁴. The approval committee can make changes to some elements contained in the declaration, but with the agreement of the organizers.

The mayor of the locality, upon the documented proposal of the committee for approving requests for the organization of public meetings, may prohibit the holding of public meetings in the following situations when:

- has data from the specialized bodies, from which it follows that their implementation would lead to the violation of the provisions of the law;
- in the period, the place and on the routes where they would take place, large-scale construction and economic works are being carried out.

The mayor is obliged to communicate the ban decision, in writing and with reasons, to the organizers within 48 hours. In this situation, the organizers can challenge it in administrative litigation.

Apart from the mentioned obligations, the mayor of the municipality, city or commune, the territorially competent gendarme units and the local police are obliged to ensure the necessary conditions for the normal conduct of public assemblies, and the organizers are obliged to undertake the necessary actions for them to take place carried out under the conditions of the law.

The municipal, city or communal town halls also have the following obligations:

- a) to establish by decision and to make public the places where public gatherings are prohibited;
- b) to ensure, for a fee, the services and technical arrangements requested for the normal conduct of public assemblies;

⁴³ Law no. 60 of September 23, 1991 regarding organization and CONDUCT gathering public, republished, with changes and Completion later, art . 3, paragraph 1

⁴⁴ Gheorghe Buzescu, *Police Law - university course*, Sitech Publishing House, Craiova, 2019

c) to prohibit the sale of alcoholic beverages in places intended for holding public gatherings, in the immediate vicinity or, when deemed necessary, even in the entire locality, for their entire duration;

d) to take any other legal measures to ensure the peaceful and civilized nature of public gatherings;

e) to return the sums advanced for services and technical arrangements, if the public gathering was prohibited for reasons not attributable to the organizers ⁴⁵.

III.2. Duties of the Romanian Gendarmerie

According to Law no. 550 of December 13, 2004, regarding the organization and functioning of the Romanian Gendarmerie, it performs public order assurance missions on the occasion of rallies, marches, demonstrations, processions, picketing actions, promotional, commercial actions, cultural-artistic, sports, religious, commemorative events, as well as other such activities that take place in the public space and that involve agglomerations of people.

According to Law no. 218/2002 on the organization and operation of the Romanian Police, with subsequent amendments and additions, the Romanian Police supports gendarmerie units with information to ensure or restore public order and peace during rallies, cultural-sporting events and the like.

These regulations are supplemented by Government Decision no. 196 of March 17, 2005 regarding the approval of the Strategy of the Ministry of Administration and Internal Affairs to achieve public order and safety, to increase citizen safety and prevent street crime.

Ensuring public order includes a set of specific measures, activities and actions adopted and carried out by the specialized institutions of the state administration, in order to comply with the norms of civic conduct, provided in laws and other normative acts, the defense of the rights and freedoms of citizens, as well as those for the protection of public and private property ⁴⁶.

Public assemblies subject to the condition of prior declaration are, in accordance with the provisions of the law, rallies, marches, demonstrations, processions, as well as any other such manifestations that take place in markets, on public roads or in other places open to the general public.

The organizers of public gatherings have the obligation to submit a written declaration to the town hall, at least 3 days before the date of their holding, in which they must mention the name by which the organizing group is known, the purpose, the place, the date, the start time and the duration of the action, the access and dispersal routes, the approximate number of participants, of the persons empowered to ensure and respond to the organizational measures, the services they request from the mayor's office and law enforcement agencies ⁴⁷.

The declaration regarding the organization and conduct of public meetings is registered according to the law, at the gendarmerie units, at least 48 hours before.

The commander of the gendarmerie unit or the persons designated by him, together with the organizers, establish the measures that must be taken to conduct the public assembly in conditions of complete order.

⁴⁵ Law no. 60 of September 23, 1991 regarding organization and CONDUCT gathering public, republished, with changes and Completion later, art . 15, paragraph 2

⁴⁶ Tudor Cearapin, coordinator, *English lessons for the gendarmerie*, Publishing House of the Ministry of the Interior, Bucharest, 2001

⁴⁷ Law no. 60 of September 23, 1991 regarding organization and CONDUCT gathering public, republished, with changes and Completion later, art . 7

The commander of the gendarmerie unit (or the officer designated by him) ⁴⁸prepares the necessary documents for the execution of the mission of ensuring public order together with the other forces with which he cooperates, the police, the General Inspectorate for Emergency Situations and other institutions, as the case may be.

The responsibility for ensuring order or intervention in force, if necessary, as well as leading the action during public gatherings, rests with the commander of the gendarmerie unit.

In the period leading up to the meeting (manifestation), the forces that will participate in the action will perform the following activities:

- revising legislation, orders and line instructions;
- the popularization of the legal provisions regulating the rights and obligations of the organizers and participants of public gatherings through their own means and the mass media;
- carrying out recognitions in the area where public gatherings are held and establishing vulnerable places, points and objectives;
- collaboration and dialogue with the local authority and organizers of public meetings.

For the smooth running of public gatherings and to prevent any manifestations of violence, the gendarmerie units will ensure, in due time, together with the organizers, the necessary effectives at the place of gathering of the crowd, ensuring that they comply with the established measures, as well as the compliance legal provisions.

During the public assembly, law enforcement will, in principle, perform the following activities:

- maintaining a permanent link with the organizers of the public meeting, throughout its duration;
- the accompanying and framing of the column of demonstrators by the gendarmes, the permanent collaboration with the law enforcement officials appointed by the organizers to ensure the protection of the participants and prevent the infiltration of people who could disrupt the normal course of the public assembly among the participants;
- ensuring the safe movement of the participants along the route, by placing some traffic agents at the intersections on the established itinerary;
- recording of events, tense or violent moments, for the purpose of subsequent identification and application of measures against persons guilty of committing illegal acts;
- verifying the manner of application and compliance with the local council's decision regarding the prohibition of the sale of alcoholic beverages in the immediate vicinity of the venue of the public meeting, on travel itineraries or, as the case may be, in the entire locality;
- the supervision of the participants on the itineraries of the flow, until the complete dispersion, in order to prevent events, altercations, stampedes, road blocks, destruction or degradation of goods, as well as the commission of other anti-social acts.

It is necessary to differentiate public gatherings occasioned by sports competitions and games and other public gatherings (which are the subject of Law no. 60/1991 on the organization and conduct of public gatherings, republished, with subsequent amendments and additions), in the sense that those which are in connection with sports events presents certain common characteristics (content, physiognomy and dynamics) ⁴⁹, determined by the constancy of the infrastructure, the way it is carried out, the constancy of groups of supporters, already standardized procedures, etc.

⁴⁸ Gheorghe Buzescu, *Peculiarities of contraventional law*, Sitech Publishing House, Craiova, 2017

⁴⁹ Gheorghe Buzescu, *Elements of Public Order*, Pro Universitaria Publishing House, Bucharest, 2016

In general, sports competitions and games take place according to an official calendar, a fact that determined the declaration procedure to be simplified. For this purpose, the organizers of sports competitions and games have certain obligations regarding their conduct.

Regarding measures to ensure public order, the gendarmerie units and, when necessary, the police units, perform the following activities:

- ensures public order on the access routes to the sports competition venues;
- ensures public order at the places where sports competitions and games are held, up to the perimeter delimited by the gates where preventive body and baggage control is performed;
- performs the missions of ensuring public order in the premises of the sports competitions with a high degree of risk.

The territorially competent gendarme unit approves the measures established by the organizers for the smooth running of the sports competition and for ensuring public order inside the venue (by security and protection companies or gendarmes, in the case of competitions with a high degree of risk). The degree of risk of sports competitions is established by the commander of the territorially competent gendarme unit.

According to the law, cultural-artistic, sports, religious, commemorative events, those occasioned by official visits or taking place within the headquarters or buildings of legal entities of public or private interest, as well as other similar activities, are not subject to the declaration procedure.

If the organizers of such public gatherings request support from the Gendarmerie in advance, the responsibility for ensuring order in this case rests with the Romanian Gendarmerie, which operationalizes the following measures:

- ensures the protection of the venue;
- ensures the appropriate control of the external perimeter of the public meeting;
- performs the control at the entrances to the respective perimeter, to check the access documents, to prevent the introduction of objects that can be used to cause acts of violence, fires, destruction, as well as to prohibit the entry of turbulent persons or those who are under the influence of alcoholic beverages ;
- ensures the smooth running of the public meeting throughout its duration, until the participants are completely exhausted⁵⁰.

The same is done when data has been obtained that such meetings and demonstrations would take place with the participation of a large public and public order measures are necessary, even if they were not requested.

Spontaneous public assemblies, in principle, are considered those assemblies that are based on certain labor conflicts or are determined by social causes, interethnic, interconfessional conflicts, in connection with certain political, economic, social, sports events, etc. In such situations, the intervention of the gendarmerie forces requires the appropriateness of the actual actions to the situations of spontaneous triggering of the respective public assembly.

Upon obtaining the first data or information about the organization and holding of spontaneous public gatherings, mutual information will be ensured between the Police, the Gendarmerie and the local public administration bodies, taking the necessary measures.

The actions of the gendarmerie forces, in relation to the created situation, can be aimed at banning the assembly or at its continuation.

⁵⁰ Tudor Cearapin, *Gendarmerie ENGLISH and The order publish*, Publishing House of the Ministry of the Interior, Bucharest, 2001

In the situation where the continuation of the public assembly is approved, the territorially competent gendarme unit takes measures to ensure public order at the venue and surroundings, ensuring the necessary forces, which will act as in the case of declared public assemblies.

When the measure is taken to prohibit the respective public assembly, the gendarme forces perform the following activities:

- identify the leaders and leaders of the crowd;
- informs the organizers and participants that they must leave the respective area;
- ensures the flow of participants in order, until the columns disperse;
- in the case of recalcitrant participants who resort to violent actions against law enforcement, the intervention is carried out to restore public order, in compliance with the legal provisions.

For the implementation of the decision of the mayor's office, banning the public assembly, the gendarme unit will ensure the measures to prevent and discourage the formation of the group of demonstrators at the specified place and on the access routes.

In the event that it was not possible to prevent the formation of the group of demonstrators, action will be taken as in the case of spontaneous assemblies and gatherings. At the same time, preliminary acts are carried out to ascertain the facts of violation of the law ⁵¹. As a last measure to restore order, force will be used, in compliance with the legal provisions.

The missions of the specialized structures of gendarmes regarding ensuring public order on the occasion of official visits of Romanian and foreign dignitaries is regulated by Law no. 550/2004 on the organization and functioning of the Romanian Gendarmerie and Government Decision no. 196 of March 17, 2005 regarding the approval of the Strategy of the Ministry of Administration and the Interior to achieve public order and safety, to increase citizen safety and prevent street crime.

Several forces are engaged in the execution of these missions (Guard and Protection Service, Romanian Gendarmerie, Romanian Police, Romanian Intelligence Service, General Inspectorate for Emergency Situations, Special Telecommunications Service) ⁵².

In order to establish the necessary details regarding the missions assigned to each individual institution, cooperation meetings are organized in which their representatives participate, based on the Action Plan drawn up in this regard.

The commander of the gendarmerie unit or the officer assigned to participate in the cooperation meeting, as well as in the acknowledgments regarding the mission, must be aware of the visit schedule, objectives, travel routes, accommodation, as well as the spaces where meetings will be held with the participation the public.

The gendarmes used in the specific devices will show increased vigilance and will have a cooperative attitude with the participating public, but authoritative and firm, especially supervising the people or groups of people who are agitated, tense or who have objects on them that could be used to disturb public order.

During the mission, special attention will be paid to the cooperation with the devices of the Guard and Protection Service and the Police in order to provide mutual support for the normal development of the activity.

III.3. The actions of the specialized structures of the Romanian Gendarmerie

⁵² Gheorghe Buzescu, *Police Law - university course*, Sitech Publishing House, Craiova, 2019

According to the law, the execution of missions to restore public order when it has been disturbed by any kind of actions or facts that contravene the laws in force, is mainly carried out by the specialized structures of the Gendarmerie. We can characterize the current operational situation as complex and dynamic as a result of:

- the progressive increase of the criminal phenomenon;
- the increase in violence of any kind;
- the proliferation of mafia-type groups;
- the evolution of hooliganism in stadiums.

All these facts require that the gendarmerie structures have research capabilities and capacities, speed and rapid reaction force, real control of the situation from a spatial and temporal point of view, the integral management of the command activity.

All the actions undertaken for the intervention by force are done in compliance with the summarizing and warning procedures. From a legal point of view, the commander of the action can order the intervention by force, without prior approval, when violence is exercised against the personnel in the order devices or when their life, bodily integrity or health is in danger. In the case of missions to restore public order, the following aspects must be taken into account:

- the confrontation must begin as a counter-action;
- compliance with cooperation issues;
- the action relationship configured in the action space to fall within the limits of the legal provisions, obligations and limits of the action;
- the expected actions to be physically possible from a spatial and temporal point of view.

The intervention represents the attitude expressed through a set of actions and measures executed by the mobile structures in order to fulfill a mission within the action couple, action / counteraction.

Restoring public order, as an activity of law enforcement, includes a set of specific actions, organized and executed over time, in relation to the situation, which are based on the use of technical means and materials with the aim of returning the situation to normality⁵³.

The intervention to restore public order consists of a set of quick and energetic actions and measures, organized and carried out by them, independently or in collaboration with other forces, in order to resolve urgent situations that constitute a serious danger to public order, the safety of citizens, of the institutions of the rule of law, of public and private goods.

In the Law on the organization and functioning of the Romanian Gendarmerie, the following situations are provided for the execution of the intervention:

- for preventing and neutralizing the aggressive actions⁵⁴ of people who seriously disturb public order, actions that could not be removed or annihilated by using other legal means;
- against those who enter, without right, the offices of public authorities, political parties or other institutions of public or private interest and who, having been warned and noticed, refused to leave these offices immediately, as well as against organized groups that prevent the development of normal activity on communication routes, in public places and in other important objectives;
- for the immobilization and detention of persons or groups of persons who cause disorder and undertake actions that endanger the life, bodily integrity or health of persons,

⁵³ Tudor Cearapin, *English lessons for the gendarmerie*, Publishing House Ministry of the Interior, 2001

⁵⁴ Gheorghe Buzescu, *The place and role of the civil servant in the state apparatus*, Sitech Publishing House, Craiova, 2017

public or private property, offend law enforcement or other persons invested with a function involving the exercise of public authority or seriously disturbs public order, through acts of violence.

Disturbance of public order occurs when acts are committed that have a public resonance, create or influence a state of danger, or an unfavorable state of mind, which are committed in public, in relation to the public, against the public or against bodies with attributions regarding the maintenance and the restoration of public order.

By disturbing the public order, violence, tensions and abnormal situations occur, regarding the performance of some activities within a society, locality, institutions or by legal or natural persons. Disturbance of public order can cause material and human damage, affect the image of institutions and cause moral damage to individuals.

According to the legal provisions, the use of force and the use of technical means, including the use of weapons, is ordered in writing by the prefect or his substitute, from the municipality of Bucharest, respectively from the county where one of the situations mentioned above occurred.

The written disposition of the prefect regarding the intervention by force is not necessary in the event that violence is exercised on the law enforcement forces, other persons or on the protected assets or valuables that endanger their life, bodily integrity or health, or when there are solid indications that the participants are preparing or have committed a crime⁵⁵.

In order to organize, carry out and fulfill the missions of restoring public order when it has been seriously disturbed, the commander of the action must take into account the realities of the environment in which the public gathering that has degenerated takes place (urban or rural).

When the turbulent action takes place in the urban environment, the action commander must consider the following elements:

- the existence of tall, storied buildings, their arrangement, as well as the possibilities of maneuvering forces;
- the existence in the area of the action of some people (especially young people and children⁵⁶) who have nothing to do with it;
- the existence of vital institutions for the locality's activity: town hall, post office, market, train station, bus station, etc.;
- the existence of intense road traffic.

Apart from these elements, the action commander must also study and consider the following elements:

- the size of the town and the number of inhabitants;
- socio-professional structure of the population;
- the political and administrative power of the locality;
- the standard of living of the inhabitants;
- the number and economic share of commercial companies in the locality;
- the importance of the town as a university center;
- the density and importance of the communication routes that cross the locality;
- the geographical location of the locality;
- the characteristics of the operative situation from the police point of view.

⁵⁵ Law no. 550/2004, regarding organization and functioning GENDARMERIE Romanians, art 34, para . 2

⁵⁶ Ivan Anane, *Elements of computerized records of a person*, Pro Universitaria Publishing House, Bucharest, 2015

In the urban environment, violent conflicts are not excluded as a result of the rivalries of some criminal gangs, the association of some extravagant groups, of different orientations among young people, the manifestation of some groups of immigrants located on the territory of the locality.

In the urban environment, in the situation when public order is ensured / restored in a stadium, the following aspects must be taken into account:

The public order disturbance actions directly related to the sporting event at the stadium highlight the following:

- violence can occur spontaneously or premeditated especially during the sporting event, as well as after its conclusion;
- violent conflicts can engage massive groups of supporters who can go on to invade the field of play;
- stampedes may also occur as a result of technical malfunctions, the collapse of stands, fires, etc.;
- rivalry between clubs and implicitly between groups of supporters;
- some inappropriate actions of law enforcement may cause violence by supporters and their coalition against law enforcement is not excluded;
- semi-closed spaces limit or restrict the use of irritating tear-generating means;
- violent / hooligan actions, as an expression of deviant behavior, aim at both physical violence between supporters and the destruction / damage of stands, installations, means of transport, burning or breaking into commercial / public spaces;
- the occupation of the stands by supporters or spectators beyond the normal capacity can create riots, the collapse of some stands;
- the possibility of carrying out some robberies on some bank premises.

The particular ways of expressing the intervention are generally determined by the factors of the situation that include three areas (the area of action, the opponent, and one's own forces).

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