

## CUPRINS CONTENT

### **Criminal Investigation Methods used in Criminal Process in the Criminal Prosecution Phase**

Carmen Silvia PARASCHIV ..... 5

### **Non-discriminarea și egalitatea de șanse în sistemul de drept românesc și în jurisprudența românească și europeană**

Non-discrimination and equal opportunities in the Romanian Legal System and in Romanian and European Jurisprudence

Bogdan ȚONEA..... 13

### **Recunoașterea sancțiunilor pecuniare: autorități competente, prescripția și impactul inteligenței artificiale**

Recognition of Financial Penalties: Competent Authorities, Prescription, and the Impact of Artificial Intelligence

Mihaela-Elvira PĂTRĂUȘ..... 21

### **Organizarea și planificarea procesului de cercetare a infracțiunilor ecologice**

The Organisation and Planning of the Investigative Process for Environmental Crime

Constantin RUSNAC, Evghenia GUGULAN,..... 35

### **Legislația umanitară internațională**

The International Humanitarian Legislation

Nicolae-David UNGUREANU ..... 46

### **Serviciul public de salubritate: legislație, costuri. Stare de fapt și provocări**

Public Sanitation Service: Legislation, Costs, Current Status and Challenges

Diana CÎRMACIU..... 55

### **Forma de guvernământ**

Form of Government

Simina Ioana GOIA..... 60

### **Funcționează soluționarea conflictelor prin mediere?**

Does Conflict Resolution Through Mediation Work?

Florina Florentina Morozan ..... 67

### **Regretele și erorile unei moșteniri. Teoria hazardului moral la întocmirea unui testament**

Regrets and Mistakes of an Inheritance. The Theory of Moral Hazard in Drafting a Will

Laura Dumitrana RATH BOȘCA ..... 75

### **Constituționalitatea incriminării discursului instigator la ură. Între libertatea de exprimare și necesitatea protecției sociale**

The Constitutionality of Criminalizing Hate Speech: Balancing Freedom of Expression and the Imperative of Social Protection

Dumitru-Vlad BRADEA..... 84

**Ațiuni în contencios administrativ vizând anularea actelor administrative cu caracter normativ. Cazuri practice**

Actions in Administrative Litigation Regarding the Cancellation of Normative Administrative Acts. Practical Cases

Adrian BUZ..... 97

**Aspecte referitoare la atacarea în contencios administrativ a hotărârilor consiliilor locale privind alegerea și eliberarea din funcție a viceprimarului**

Aspects Relating to the Challenge in Administrative Litigation Courts of the Decisions of the Local Councils on the Election and Release from Office of the Vice-mayor

Maria-Ariana DOCIU.....107

**Arta dreptului în contextul modificărilor succesive aduse în materia dreptului penal**

The Art of Law in the Context of the Successive Amendments in Criminal Law

Miron-Paul CHICHIȘAN .....117

**Comerțul cu artă între norma juridică și realitate socială**

The Trade in Art Between Legal Norms and Social Reality

Florin Virgil KOCSIS (INDRE) .....123

**Arta în administrația publică, văzută prin ochiul cetățeanului**

Art in Public Administration, Seen Through the Eye of the Citizen

Monica Gabriela MARTON .....132

**Deepfake-urile ca fals de artă**

Deepfakes as Artistic Forgeries

Lucian-Grigore MĂNOIU, Adelina-Roxana MILAȘ .....141

**Between worlds. personality rights in the modern legal context**

Maria MÎNDRUȚ .....149

**Blockchain. Cryptocurrencies. Legal Implications**

Maria MÎNDRUȚ .....163

**Protecția juridică a fondului forestier – analiză legislativă și soluții**

Legal Protection of Forest Resources – Legislative Analysis and Solutions

Raluca-Cătălina MOȘ .....175

**Protecția penală a drepturilor de autor și arta generată de AI**

Criminal Copyright Protection and AI Generated Art

Teodora-Andreea ONIȚA.....183

**Cercetarea și investigarea furtului artei românești**

Research and Criminal Investigation of Romanian Art Theft

Andrei SUCIU .....192

# CRIMINAL INVESTIGATION METHODS USED IN CRIMINAL PROCESS IN THE CRIMINAL PROSECUTION PHASE

Carmen Silvia PARASCHIV<sup>1</sup>

## Abstract:

*The criminal prosecution phase constitutes an essential component of the criminal process, having as its primary objective the identification of criminal acts, the individualization of the perpetrators and the establishment of criminal liability within the limits provided by law.<sup>2</sup> In achieving these goals, forensic investigation methods play a fundamental role, as they facilitate the collection, preservation and interpretation of evidence in a scientific, systematic and objective manner.<sup>3</sup> This article aims to investigate, from a theoretical-legal and applied perspective, the main forensic methods used during criminal investigation – from traditional tools, such as on-site research, hearing procedural participants or performing technical expertise, to modern methods based on technological advances, such as digital forensics, genetic analysis or automated facial recognition.<sup>4</sup> The paper analyzes the evidentiary value of these methods, the criteria for admissibility in court, as well as the legal and ethical vulnerabilities they may entail, especially in relation to the protection of the fundamental rights of the suspect and the victim<sup>5</sup>. At the same time, the current challenges generated by the digitalization of the judicial system, the deficit of specialized training of personnel involved in investigations, as well as emerging trends regarding the automation of the criminal investigative process are discussed. The conclusions highlight the imperative need for harmonization between the efficiency of the criminal investigation and compliance with the principles of legality, procedural loyalty and judicial ethics.<sup>6</sup>*

**Keywords:** criminal prosecution; forensic methods; evidence; criminal investigation; digital forensics; expertise; fundamental rights; fair trial

## 1. INTRODUCTION

The criminal prosecution phase constitutes an essential component of the criminal process, having as its primary objective the identification of criminal acts, the individualization of the perpetrators and the establishment of criminal liability within the limits provided by law.<sup>7</sup> In achieving these goals, forensic investigation methods play a fundamental role, as they facilitate the collection, preservation and interpretation of evidence in a scientific, systematic and objective manner.<sup>8</sup>

This article aims to investigate, from a theoretical-legal and applied perspective, the main forensic methods used during the criminal investigation – from traditional tools, such as on-site investigation, hearing of procedural participants or performing technical

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<sup>2</sup> A. Boroî, *Drept procesual penal. Partea generală*, Ed. C.H. Beck, Bucureşti, 2020, p. 193.

<sup>3</sup> D. Banciu, A. Boroî, *Tratat de criminalistică*, Ed. Universul Juridic, Bucureşti, 2022, pp. 75–76.

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<sup>8</sup> D. Banciu, A. Boroî, *Tratat de criminalistică*, Ed. Universul Juridic, Bucureşti, 2022, pp. 75–76.