

CONSTITUTIONALISM UNDER PRESSURE: LIMITING FUNDAMENTAL RIGHTS IN ROMANIA'S STATES OF EMERGENCY AND ALERT

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ABSTRACT: *The restriction of fundamental rights and freedoms during exceptional situations represents a critical challenge for constitutional democracies, requiring a delicate balance between public interest and individual liberties. This article provides an in-depth analysis of the constitutional and institutional framework governing the limitation of fundamental rights in Romania during states of emergency and alert. Starting from the provisions of Article 53 of the Romanian Constitution, the study examines the substantive and procedural conditions for lawful restrictions, with particular emphasis on legality, necessity, proportionality, and temporariness. The paper further analyses the legal regimes of the state of emergency and the state of alert, highlighting their declaration procedures, institutional actors, and levels of democratic oversight. Through the integration of comparative tables and analytical figures, the article demonstrates that while Romania's constitutional architecture formally safeguards fundamental rights, significant vulnerabilities emerged during prolonged crisis governance, underscoring the need for legislative clarification and enhanced parliamentary control.*

KEY WORDS: *fundamental rights, state of emergency, state of alert, constitutional limitations, proportionality, democratic oversight.*

JEL CLASSIFICATIONS: *K10, K38, H12.*

1. INTRODUCTION

Fundamental rights and freedoms represent the axiological core of modern constitutional democracies. They are not merely symbolic declarations, but legally enforceable guarantees that structure the relationship between the individual and public authority. In democratic systems governed by the rule of law, the protection of fundamental rights operates as both a limit on state power and a prerequisite for the legitimacy of public action. However, this paradigm is not absolute. Exceptional

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circumstances - such as armed conflicts, natural disasters, terrorist threats, or public health emergencies - may generate situations in which the unrestricted exercise of certain rights becomes incompatible with the protection of overriding collective interests.

The constitutional challenge posed by such exceptional situations lies in reconciling two competing imperatives: on the one hand, the need for effective state action to safeguard public order, national security, or public health; on the other hand, the obligation to preserve the substance of fundamental rights and prevent arbitrary or disproportionate interferences. Constitutional democracies do not deny the possibility of restricting rights in emergencies, but they subject such restrictions to strict legal and institutional conditions designed to prevent abuses of power (Vida, 2000).

In Romania, this tension became particularly visible during the COVID-19 pandemic, which constituted the most extensive and prolonged crisis affecting fundamental rights since the adoption of the 1991 Constitution. Beginning in March 2020, Romanian authorities adopted a wide array of measures restricting freedom of movement, freedom of assembly, the right to education, economic freedoms, and aspects of private and family life. These measures were initially implemented under the state of emergency and subsequently under the state of alert, two distinct exceptional legal regimes with different constitutional and institutional configurations.

The prolonged nature of the pandemic transformed what was initially conceived as a short-term exceptional response into a form of extended crisis governance. This evolution intensified doctrinal and jurisprudential debates regarding the constitutional limits of emergency powers, the role of Parliament in validating restrictions, and the extent to which executive authorities may regulate fundamental rights through secondary legislation. As Muraru and Tănăsescu observe, emergency situations tend to expose latent vulnerabilities within constitutional systems, particularly in relation to the separation of powers and the protection of individual freedoms (Muraru & Tănăsescu, 2019).

Against this background, the present article aims to provide an in-depth analysis of the constitutional and institutional framework governing the limitation of fundamental rights in Romania during states of emergency and alert. Rather than focusing on individual restrictive measures, the study examines the normative architecture that enables such measures, with particular emphasis on Article 53 of the Romanian Constitution. The central hypothesis of the article is that while the constitutional text provides robust safeguards against arbitrary restrictions, the legislative and institutional implementation of these safeguards during prolonged crises revealed significant structural deficiencies.

Methodologically, the article combines doctrinal analysis, normative interpretation, and institutional examination. The research draws on Romanian constitutional doctrine, legislative acts regulating exceptional states, and relevant constitutional jurisprudence. The objective is not to contest the legitimacy of public health protection as a constitutional aim, but to assess whether the mechanisms employed to achieve this aim respected the principles of legality, necessity, proportionality, and democratic accountability.

2. CONSTITUTIONAL FOUNDATIONS FOR LIMITING FUNDAMENTAL RIGHTS

The constitutional foundation for restricting the exercise of fundamental rights and freedoms in Romania is set out in Article 53 of the Constitution. This provision occupies a central position within the constitutional system of rights protection, functioning as an exception clause that permits temporary derogations from the general principle of full enjoyment of rights. From a doctrinal perspective, Article 53 does not grant an autonomous power to the state, but rather delineates the strict conditions under which limitations may be imposed (Vida, 2000).

Article 53 establishes that the exercise of certain rights or freedoms may be restricted only by law and only if such restriction is necessary in a democratic society. The constitutional text further enumerates the legitimate aims that may justify restrictions, including national security, public order, public health, public morals, and the protection of the rights and freedoms of others. Importantly, the provision explicitly requires that restrictions be proportionate to the situation that determined them, applied without discrimination, and limited in time.

Romanian constitutional doctrine has consistently emphasized the exceptional nature of Article 53. This provision must be interpreted strictly, precisely because it authorizes deviations from the normal constitutional order of rights protection (Muraru & Tănăsescu, 2019). Consequently, any restriction imposed outside the framework established by Article 53 is unconstitutional, regardless of the gravity of the situation invoked by public authorities.

The first and most fundamental condition imposed by Article 53 is the requirement of legality. Restrictions on fundamental rights must be “provided by law,” a formulation that reflects the classical constitutional principle of the primacy of the legislature in matters affecting individual freedoms. This requirement serves several essential functions: it ensures democratic legitimacy, enhances legal certainty, and allows for judicial review of restrictive measures.

During the COVID-19 pandemic, the legality requirement became a focal point of constitutional controversy. The extensive reliance on government decisions, military ordinances, and administrative acts raised questions regarding their compatibility with Article 53, particularly when such acts affected the substance of fundamental rights. Constitutional doctrine warned that substituting parliamentary legislation with executive regulation risks undermining the democratic foundation of rights restrictions (Muraru & Tănăsescu, 2019).

Beyond legality, Article 53 requires that any restriction pursue a legitimate aim recognized by the Constitution. The enumeration of such aims reflects a balance between individual autonomy and collective interests. Among these aims, public health acquired unprecedented relevance during the pandemic, serving as the primary justification for restrictive measures.

The protection of public health is closely linked to the constitutional value of the right to life and physical integrity. The state has a positive obligation to protect life, which may justify certain limitations on other rights when necessary to prevent serious threats to public health (Bîrsan, 2020). However, the invocation of a legitimate aim

does not, in itself, suffice to justify a restriction. The constitutional analysis must proceed further to examine necessity and proportionality.

In the context of prolonged emergencies, the necessity test must be reassessed periodically. Measures that were necessary at an early stage of a crisis may become excessive or unjustified as circumstances evolve. Failure to conduct such reassessment risks transforming temporary restrictions into structural limitations on rights.

Closely linked to necessity is the principle of proportionality, which operates as a central safeguard against excessive state intervention. Proportionality requires a fair balance between the severity of the restriction and the importance of the protected interest. It is not sufficient that a measure be effective; it must also be reasonable and equitable in its impact on individual rights.

Finally, Article 53 explicitly requires that restrictions be limited in time and must not affect the essence of fundamental rights. This condition reflects the constitutional rejection of permanent emergency governance. Even in the gravest crises, rights cannot be abolished or rendered meaningless.

3. THE STATE OF EMERGENCY: CONSTITUTIONAL REGIME, PROCEDURE AND DEMOCRATIC LEGITIMACY

The state of emergency represents the most intensive exceptional legal regime provided by the Romanian constitutional order. Its constitutional foundation is laid down in Article 93 of the Constitution, which empowers the President of Romania to declare the state of emergency or the state of siege, with the obligation to submit the measure to parliamentary approval within a strictly defined time limit. This constitutional provision is complemented by Government Emergency Ordinance no. 1/1999 on the regime of the state of siege and the state of emergency, approved and amended by Law no. 453/2004.

From a constitutional perspective, the state of emergency is conceived as a temporary derogation from the normal legal order, justified only by situations that seriously threaten national security, constitutional order, or public safety. Romanian doctrine emphasizes that Article 93 must be interpreted in close correlation with Article 53, as the declaration of a state of emergency does not suspend the Constitution, but merely allows for the temporary restriction of certain rights under strict constitutional conditions (Muraru & Tănăsescu, 2019).

Unlike ordinary administrative measures, the state of emergency constitutes a constitutional mechanism of crisis governance, characterized by enhanced executive powers balanced by reinforced democratic oversight. This balance reflects the classical model of constitutional emergency law, in which exceptional authority is tolerated only insofar as it remains subject to political and juridical control (Vida, 2000).

The declaration procedure of the state of emergency is of particular constitutional significance, as it embodies the principle of separation of powers under exceptional circumstances. According to Article 93 of the Constitution, the initiative belongs to the Government, which assesses the existence of a situation justifying the declaration of the state of emergency. However, the formal act of declaration is performed by the President of Romania, through a presidential decree.

This decree must specify several essential elements: the reasons for declaring the state of emergency, its territorial scope, its duration, and the exceptional measures to be adopted. Most importantly, the decree must be submitted to Parliament for approval within five days from its issuance. If Parliament refuses approval, the state of emergency ceases to produce legal effects.

The requirement of parliamentary approval constitutes a core democratic safeguard. It ensures that the extraordinary concentration of power in the executive branch receives *ex ante* political validation from the representative body of the people. As Muraru and Tănăsescu underline, this mechanism prevents the unilateral transformation of executive discretion into constitutional authority (Muraru & Tănăsescu, 2019).

During the state of emergency, public authorities may adopt a wide range of measures that significantly affect the exercise of fundamental rights. These may include restrictions on freedom of movement, freedom of assembly, economic activities, access to education, and the operation of public institutions. In practice, such measures are often implemented through military ordinances or other normative acts issued by the competent authorities.

However, the intensity of these powers does not remove them from constitutional scrutiny. Even under a state of emergency, restrictions must comply with the requirements of Article 53, including legality, necessity, proportionality, and temporariness. The mere declaration of a state of emergency does not grant *carte blanche* to public authorities to disregard constitutional guarantees (Dănișor, 2007). Romanian constitutional doctrine has repeatedly stressed that emergency powers must be interpreted narrowly, as they constitute exceptions to the normal constitutional order. The risk inherent in such powers lies in their potential to normalize extraordinary restrictions, particularly when emergencies are prolonged or repeatedly renewed (Vedinaș, 2021).

One of the defining features of the state of emergency is the strengthened role of Parliament. Parliamentary approval of the presidential decree serves not only as a formal requirement, but also as a substantive mechanism of democratic accountability. Through parliamentary debates, public authorities are required to justify both the necessity and the proportionality of the measures adopted.

The declaration of the state of emergency in Romania in March 2020 marked the first extensive application of this constitutional mechanism in the post-communist period. The presidential decree declared the existence of a serious public health threat and authorized a broad range of restrictive measures aimed at limiting the spread of the virus.

From a constitutional standpoint, the initial declaration largely complied with the procedural requirements of Article 93. Parliamentary approval was obtained, and the measures adopted were framed as temporary responses to an unprecedented crisis. However, doctrinal critiques emerged regarding the breadth of certain restrictions and the reliance on secondary legislation to regulate core aspects of fundamental rights (Birsan, 2020).

These critiques highlighted the importance of maintaining a clear distinction between the declaration of a state of emergency and the concrete implementation of

restrictive measures. While the former benefits from strong democratic legitimacy, the latter must remain strictly subordinated to constitutional and legislative norms.

For analytical clarity, the essential characteristics of the state of emergency are summarized in Table 1.

Table 1. Essential characteristics of the state of emergency

Element	Description
Constitutional basis	Article 93 of the Romanian Constitution
Legal framework	OUG no. 1/1999, approved by Law no. 453/2004
Declaring authority	President of Romania
Initiating authority	Government
Parliamentary approval	Mandatory within 5 days
Duration	Limited, with possibility of extension subject to approval
Intensity of rights restrictions	High
Level of democratic legitimacy	Strong

Source: Author's own elaboration based on constitutional and legislative provisions

The analysis of the state of emergency demonstrates that Romanian constitutional law provides a relatively robust framework for managing acute crises. The combination of enhanced executive powers and mandatory parliamentary oversight reflects an attempt to reconcile efficiency with democratic legitimacy. Nevertheless, the effectiveness of this framework depends largely on the faithful application of constitutional safeguards and the willingness of institutions to exercise their control functions responsibly.

4. THE STATE OF ALERT: A LEGISLATIVE REGIME OF PROLONGED EXCEPTION

The state of alert constitutes a distinct exceptional legal regime within the Romanian legal order, introduced through Law no. 55/2020 on certain measures for preventing and combating the effects of the COVID-19 pandemic. Unlike the state of emergency, the state of alert is not expressly regulated by the Constitution, but rather represents a legislative construct designed to manage situations of prolonged risk that do not justify the activation of the most severe constitutional emergency mechanisms. The normative rationale behind the state of alert was to provide public authorities with a flexible legal instrument capable of sustaining medium- and long-term restrictive measures after the termination of the state of emergency. Romanian legislators sought to avoid the continuous renewal of a constitutionally exceptional regime by creating a legally differentiated framework that would allow for targeted interventions adapted to evolving epidemiological conditions (Manole, 2021).

However, this legislative innovation immediately raised constitutional concerns. From a doctrinal perspective, the absence of explicit constitutional

recognition places the state of alert in a structurally ambiguous position. While it is formally grounded in parliamentary legislation, its effects on fundamental rights are comparable, in some respects, to those produced under a state of emergency. This functional equivalence prompted debates regarding its compatibility with Article 53 and with the broader architecture of constitutional emergency law (Muraru & Tănăsescu, 2019).

According to Law no. 55/2020, the state of alert is declared by a Government decision, based on a proposal from the National Committee for Emergency Situations (NCES). The duration of the state of alert is set at 30 days, with the possibility of extension through successive government decisions. From an institutional standpoint, this procedure marks a significant departure from the constitutional model of the state of emergency. The declaration of the state of alert does not require prior parliamentary approval, nor does it involve the President of Romania.

As a result, the executive branch acquires a dominant role both in initiating and maintaining the exceptional regime. This concentration of authority within the executive raises questions regarding democratic legitimacy and separation of powers. Although Parliament retains the power to amend or repeal the legislative framework governing the state of alert, its role in validating concrete restrictive measures is substantially weaker.

Under the state of alert, public authorities may impose restrictions on a broad range of fundamental rights, including freedom of movement, freedom of assembly, economic freedoms, and the right to education. These restrictions are implemented primarily through government decisions and ministerial orders, which specify concrete measures such as curfews, capacity limits, or temporary closures of economic activities.

Although the intensity of restrictions under the state of alert is generally lower than under the state of emergency, their prolonged application amplifies their cumulative impact on individual rights. From a constitutional perspective, this cumulative effect is particularly relevant, as proportionality must be assessed not only in relation to individual measures, but also in light of their duration and repetition (Dănișor, 2007).

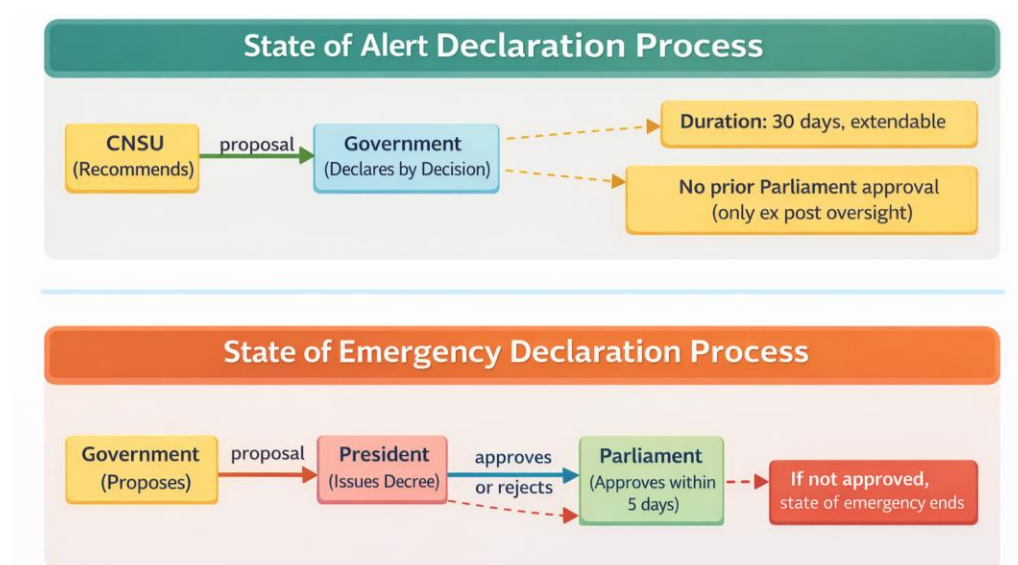
Doctrinal critiques emphasized that the extensive reliance on secondary legislation to regulate core aspects of fundamental rights risks diluting the legality requirement imposed by Article 53. While Law no. 55/2020 provides a general legal framework, many substantive restrictions were defined through executive acts, raising concerns regarding legal certainty and democratic accountability (Bîrsan, 2020).

The structural differences between the state of emergency and the state of alert can be synthesized in the following comparative table, which highlights their divergent constitutional and institutional profiles. The comparative analysis presented in Table 2 confirms that the state of alert constitutes a weaker form of constitutional exception in terms of democratic control. While it offers administrative flexibility, it simultaneously increases the risk of executive overreach, particularly when applied over extended periods.

Table 2. Comparative legal and institutional features of the state of emergency and the state of alert

Criterion	State of Emergency	State of Alert
Constitutional basis	Explicit (Art. 93)	Implicit (derived from legislation)
Declaring authority	President of Romania	Government
Initiation	Government proposal	NCES proposal
Parliamentary approval	Mandatory (within 5 days)	Not required
Duration	Limited, extendable with approval	30 days, extendable by Government
Intensity of restrictions	Very high	Moderate to high
Democratic oversight	Strong and immediate	Limited and indirect
Risk of executive dominance	Reduced	Increased

Source: Author's own elaboration based on Romanian constitutional and legislative provisions



Source: Author's own elaboration based on Law no. 453/2004 and Law no. 55/2020

Figure 1. Institutional procedures for declaring the state of emergency and the state of alert in Romania

5. INSTITUTIONAL ACTORS AND THE BALANCE OF POWERS IN EXCEPTIONAL SITUATIONS

The functioning of exceptional legal regimes cannot be understood solely through the analysis of normative texts. Their constitutional legitimacy and practical impact depend fundamentally on the interaction between institutional actors and on the

manner in which power is distributed, exercised, and controlled during crises. In Romania, the governance of states of emergency and alert involves a complex configuration of institutions, whose roles and responsibilities differ significantly depending on the exceptional regime activated.

At the centre of crisis governance lies the executive branch, particularly the Government, which assumes primary responsibility for assessing risks, proposing restrictive measures, and coordinating administrative action. During both the state of emergency and the state of alert, the Government plays a decisive operational role. However, the constitutional context in which this role is exercised differs substantially between the two regimes. In the state of emergency, executive authority is embedded within a framework of reinforced political oversight, whereas in the state of alert it operates with considerably greater autonomy.

The President of Romania occupies a constitutionally central position during the state of emergency. By virtue of Article 93 of the Constitution, the President is the authority empowered to declare and terminate this exceptional regime. This prerogative confers not only legal authority but also symbolic and political legitimacy upon the restrictive measures adopted. The involvement of the President functions as an institutional counterweight to the Government, reinforcing the perception that emergency measures are adopted in the name of the constitutional order as a whole, rather than at the discretion of the executive alone (Vida, 2000). In contrast, the President has no formal role in declaring or managing the state of alert, a fact that accentuates the executive-centred nature of this regime.

Parliament represents the cornerstone of democratic legitimacy in the architecture of exceptional governance. Its role is most pronounced during the state of emergency, where parliamentary approval of the presidential decree constitutes a mandatory condition for the continuation of the regime. This requirement ensures that extraordinary restrictions on fundamental rights receive explicit validation from the representative body of the people. Parliamentary debates accompanying the approval process serve as a forum for public justification of restrictive measures and contribute to transparency and accountability (Muraru & Tănăsescu, 2019).

By contrast, the role of Parliament during the state of alert is significantly attenuated. Although Parliament retains its general legislative powers, including the ability to amend or repeal Law no. 55/2020, it does not exercise direct control over the declaration or extension of the state of alert. This shift from *ex ante* to predominantly *ex post* oversight alters the balance of powers in favour of the executive. As Manole observes, such a configuration risks marginalizing parliamentary deliberation in matters that profoundly affect fundamental rights, particularly when the state of alert is repeatedly extended over long periods (Manole, 2021).

Beyond political oversight, judicial and quasi-judicial institutions play a crucial role in safeguarding constitutional legality during exceptional situations. The Constitutional Court of Romania functions as the ultimate arbiter of constitutional compliance, reviewing both legislative acts and emergency ordinances that regulate restrictive measures. During the COVID-19 pandemic, the Court reaffirmed the binding force of Article 53 and invalidated several provisions that failed to meet the requirements of legality or proportionality. These interventions underscored the

principle that constitutional review does not cease in times of crisis, but rather becomes even more essential (Muraru & Tănăsescu, 2019).

Complementing constitutional adjudication, the Ombudsman (People's Advocate) serves as an important intermediary institution, particularly in contexts where access to courts may be limited or delayed. By raising constitutional objections and referring cases to the Constitutional Court, the Ombudsman contributes to maintaining a minimum level of rights protection even under exceptional circumstances. This role is especially relevant during prolonged emergencies, when the cumulative effects of restrictions may escape immediate political scrutiny.

The interaction between executive authority, political oversight, and judicial control ultimately determines the quality of constitutional governance in exceptional situations. Romanian experience demonstrates that the mere existence of institutional checks is insufficient if these mechanisms are not actively and consistently exercised. The state of emergency, with its constitutionally entrenched safeguards, offers a more balanced institutional configuration. By contrast, the state of alert reveals structural vulnerabilities stemming from executive predominance and reduced parliamentary involvement.

6. CONCLUSIONS

The limitation of fundamental rights and freedoms during exceptional situations represents one of the most demanding tests for constitutional democracies. It places public authorities in the position of reconciling two imperatives that are, at least *prima facie*, in tension: the obligation to protect collective interests such as public health, security, and public order, and the duty to preserve the substance of individual rights and freedoms. The Romanian experience during the COVID-19 pandemic offers a particularly relevant case study in this respect, revealing both the strengths and the structural vulnerabilities of the constitutional and institutional framework governing emergency governance.

The analysis conducted in this article confirms that the Romanian Constitution provides a normatively coherent and principled framework for restricting the exercise of fundamental rights. Article 53 of the Constitution establishes a set of cumulative conditions - legality, legitimate aim, necessity, proportionality, temporariness, and respect for the essence of rights - that are fully aligned with the standards of constitutionalism and European human rights law. Romanian constitutional doctrine has consistently emphasized the exceptional nature of this provision, underlining that it does not authorize discretionary power, but rather imposes strict limits on state intervention (Vida, 2000; Muraru & Tănăsescu, 2019). From this perspective, the constitutional text itself proved resilient and conceptually adequate in responding to the challenges generated by the pandemic.

However, the practical application of these constitutional safeguards exposed significant tensions between constitutional design and institutional practice. The coexistence of two distinct exceptional regimes - the state of emergency and the state of alert - created an asymmetrical architecture of crisis governance. While the state of emergency is firmly anchored in the Constitution and characterized by enhanced

democratic legitimacy through mandatory parliamentary approval, the state of alert operates primarily as a legislative construct with reduced institutional checks. This divergence had profound implications for the balance of powers and the protection of fundamental rights.

The state of emergency largely reflects the classical constitutional model of exceptional governance, in which extraordinary executive powers are counterbalanced by reinforced political oversight. Parliamentary approval of the presidential decree ensures that restrictions on fundamental rights receive democratic validation and public justification. By contrast, the state of alert, as regulated by Law no. 55/2020, concentrates decision-making authority within the executive branch and marginalizes parliamentary involvement. Although this model offers administrative flexibility and responsiveness, it also increases the risk of executive dominance, particularly when the regime is repeatedly extended over long periods (Manole, 2021).

One of the central findings of this study is that duration matters as much as intensity in assessing the constitutionality of rights restrictions. Measures that are proportionate and necessary in the short term may become excessive when maintained for prolonged periods without meaningful democratic reassessment. In this context, the principle of proportionality acquires a dynamic dimension, requiring continuous evaluation rather than one-time justification.

The institutional analysis further demonstrates that the effectiveness of constitutional safeguards depends not only on their formal existence, but on the active engagement of oversight institutions. Parliament, the Constitutional Court, and the Ombudsman each play distinct yet complementary roles in maintaining constitutional equilibrium during crises. The interventions of the Constitutional Court during the pandemic reaffirmed the binding nature of Article 53 and underscored the principle that constitutional review does not cease in times of emergency. Similarly, the Ombudsman emerged as a key institutional actor in initiating constitutional scrutiny, particularly in contexts where political oversight proved insufficient (Muraru & Tănăsescu, 2019).

At the same time, the Romanian experience highlights the limitations of relying predominantly on judicial control to correct deficiencies in emergency governance. Judicial review is inherently reactive and cannot fully substitute for robust political accountability and transparent legislative deliberation. This observation reinforces the argument that parliamentary involvement must remain central in any regime that allows for sustained restrictions on fundamental rights. Even when efficiency considerations justify a streamlined executive procedure, democratic oversight mechanisms must be adapted rather than sidelined.

From a normative perspective, the findings of this article suggest several directions for improving Romania's preparedness for future exceptional situations. First, the constitutional positioning of the state of alert should be clarified, either through legislative refinement or constitutional interpretation, in order to align its operation more closely with the requirements of Article 53. Second, mechanisms of parliamentary oversight should be strengthened, particularly with regard to the extension and substantive content of restrictive measures. Third, greater emphasis should be placed on transparency, reason-giving, and periodic reassessment of

necessity and proportionality, enabling both judicial review and informed public debate.

In conclusion, the restriction of fundamental rights during exceptional situations is neither inherently incompatible with constitutional democracy nor automatically justified by the existence of a crisis. Its legitimacy depends on strict adherence to constitutional principles, effective institutional checks, and a sustained commitment to the rule of law. The Romanian case demonstrates that while constitutional safeguards can withstand extraordinary pressure, their effectiveness ultimately relies on the vigilance of institutions and the preservation of democratic accountability. Strengthening these elements is essential not only for managing future crises, but also for safeguarding public trust in constitutional governance and the enduring values of a democratic society (Bîrsan, 2020).

REFERENCES:

- [1]. **Bîrsan, C.** (2020) *Drepturile omului. Convenția europeană a drepturilor omului. Comentariu pe articole*, Ediția a II-a, Editura Hamangiu, București
- [2]. **Dănișor, D.C.** (2007) *Teoria generală a drepturilor și libertăților fundamentale*, Editura All Beck, București
- [3]. **Manole, M.** (2021) *Starea de urgență și starea de alertă. Perspective constituționale*, Editura Universitară, București
- [4]. **Muraru, I., Tănăsescu, S.E.** (2019) *Constituția României. Comentariu pe articole*, Editura C.H. Beck, București
- [5]. **Vedinaș, V.** (2021) *Drept administrativ*, Ediția a XI-a, Editura Universul Juridic, București
- [6]. **Vida, I.** (2000) *Puterea executivă și administrația publică*, Editura Lumina Lex, București
- [7]. **Constituția României** (revizuită) (2003) Monitorul Oficial al României, Partea I, nr. 758
- [8]. **Government Emergency Ordinance no. 1/1999** on the regime of the state of siege and the state of emergency, approved by Law no. 453/2004, Monitorul Oficial al României
- [9]. **Law no. 55/2020** on certain measures for preventing and combating the effects of the COVID-19 pandemic, Monitorul Oficial al României
- [10]. **Romanian Constitutional Court** (2020) Decisions on the constitutionality of emergency measures, Monitorul Oficial al României