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SIMPLIFIED PROCEDURE FOR FINDING AND EXAMINATION OF CONTRAVENTIONS – THEORETICAL-PRACTICAL ASPECTS AND APPLICATION PROBLEMS

In order for the contraventional law to take effect, it is necessary to hold accountable the person who is guilty of committing the contravention, and actually, the detection and examination of the contravention or contraventions committed by a certain person is done within the contravention process.

The contravention process in the simplified procedure consists of the same phases as the classic process, only with the difference that they are carried out/passed much faster due to certain distinct conditions and particularities, and the period from the reporting/finding of the illegal act to the completion of the contravention process it is very short.

Here, the legislator determines different procedural documents, first of all, the minutes regarding the contravention by which the illegal act is individualized, the perpetrator is identified and a solution is adopted for each case.

Another procedural act is the decision by which the flagrant contravention is examined, i.e. the contravention discovered at the time of its commission. In the same way, the decision resolves the offense examined based on the personal findings of the investigating agent. Regarding the contraventions found at the state border crossing points, if the person in respect of whom the contravention process was started recognizes the contravention committed and accepts the sanction in the form of a fine established by the ascertaining agent, he would draw up another procedural act, namely fine receipt.

We can say that the mechanism for examining contraventions in the simplified procedure is a viable one that has demonstrated its efficiency and usefulness for all parties involved in the contravention process. At the same time, in practice there are certain deficiencies in the application of the given procedure, for which reasons the revision and adjustment of the provisions that determine this procedure are required.

Keywords: contravention, contravention process, minutes regarding the contravention, flagrant contravention, contravention penalty, simplified procedure.

PROCEDURA SIMPLIFICATĂ DE CONSTATARE ȘI EXAMINARE A CONTRAVENȚIILOR – ASPECTE TEORETICO-PRACTICE ȘI PROBLEME DE APLICARE

Pentru ca legea contravențională să își facă efectul este nevoie de a atrage la răspundere

persoana ce se face vinovată de comiterea contravenției, iar propriu-zis constatarea și examinarea contravenției sau contravențiilor comise de o anumită persoană are loc în cadrul procesului contravențional.

Procesul contravențional în procedură simplificată este format din aceleași faze ca și procesul clasic, doar cu diferența că acestea sunt realizate/parcurse mult mai repede reieșind din anumite condiții și particularități distincte, iar perioada cuprinsă de la sesizarea/constatarea faptei ilegale până la finalizarea procesului contravențional este foarte scurtă. Aici legiuitorul determină diferite acte procesuale, în primul rând procesul-verbal cu privire la contravenție prin care se individualizează fapta ilicită, se identifică făptuitorul și se adoptă o soluție pe caz.

Un alt act procesual este decizia prin care se examinează contravenția flagrantă, adică contravenția descoperită la momentul săvârșirii ei. La fel, prin decizie se soluționează contravenția examinată în baza constatărilor personale ale agentului constator. Ce ține de contravențiile constatate în punctele de trecere ale frontierei de stat, dacă persoana în a cărei privință a fost pornit procesul contravențional recunoaște contravenția săvârșită și acceptă sancțiunea sub formă de amendă stabilită de agentul constator, acesta va întocmi un alt act procesual, și anume chitanța de încasare a amenzii.

Putem spune că mecanismul de examinare a contravențiilor în procedură simplificată este unul viabil, care și-a demonstrat eficiența și utilitatea pentru toate părțile implicate în procesul contravențional. Totodată, în practică există anumite deficiențe de aplicare a procedurii date, din care considerente se impune revizuirea și ajustarea prevederilor ce determină această procedură.

Cuvinte-cheie: contravenție, proces contravențional, proces-verbal cu privire la contravenție, contravenție flagrantă, sancțiune contravențională, procedură simplificată.

Introduction. It is recognized today, that the contravention process is a totality of actions carried out by the authorities vested with powers to ascertain and examine contraventions, with its particularities and distinct characteristics.

For the contraventional law to come into force, it is necessary to hold the person guilty of committing the contravention to account, and actually the finding and examination of the contravention or contraventions committed by a certain person takes place within the contravention process.

As we know, the contravention process is made up of all separate and distinct procedures, identifying the simplified procedure for ascertaining and examining the contraventions, which, in addition to the general procedure (it is also called classic, ordinary), does not require the administration of additional evidence, through the personal findings of the investigating agent, thus avoiding the examination phase, with the direct transition to the settlement stage of the contravention case and the application of the lighter contravention sanction than that provided by law.

We agree with V. Guțuleac, who is of the opinion that the term “contraventional procedure” refers to “all procedural legal norms that contain certain rules for implementing the substantive rules of contraventional law” [1, p. 203].

More developed is the position of the authors O. Pantea and A. Antoci who consider that “first of all, the contravention process represents a totality of procedural legal norms, which contain rules for applying the material norms of the contravention law. Secondly, the procedural legal norms are applied only in the event of the appearance of legal relations generated by the committed contraventional act. Thirdly, the contraventional process involves an activity of the competent bodies regarding the prevention, termination or coercion of the contraventional act, the examination of the contraventional case and the issuance of the decision on the case, the appeal of the decision and the review of the case, as well as the execution of the decision regarding the application of the contraventional sanction” [2, p. 97-98].

As we notice, the complex of distinct

activities, carried out in this sense, can generically be grouped into phases of the contravention process. In the given order of ideas, the authors I. Trofimov and A. Crețu, analyzing the content of the Contravention Code, determine several phases of the contravention procedure, as follows:

- detection of the contravention;
- examination of the case of committing the contravention and issuing the decision on the case;
- the means of appeal of the decisions on the case of committing a contravention;
- execution of the contraventional sanction [3, p. 75].

In the given order of ideas, we agree with Professor V. Guțuleac who determines that “the phase of the contravention procedure represents that part of the contravention procedure which, in addition to the common tasks of the procedure, also has its own well-defined tasks, realized through the activity of the participants specific to the contravention procedure, which ends with issuing a variant decision on the case” [1, p. 261].

They differ from each other by: content, participant in the procedure, methods of activity, decisions issued, etc., being related to each other. As a rule, the next phase begins after the completion of the previous one.

In continuation of the idea of determining the phases, the above-mentioned authors are of the opinion that “the first phase - the detection of the contravention begins with the moment when the ascertaining agent is notified of the fact of the commission of the contravention, or, from the circumstances ascertained by him, the fact of the commission of a contravention may result” [3, p. 75].

From the logic of the given description, we determine that the ascertaining agent can either be notified of the commission of a contravention (by denunciation, complaint, request, etc.), or from the circumstances in which he is, at the time of his duties exercising, through the prism of the powers held,

determines that the constitutive elements of the contravention are present in the person's actions or inactions.

Thus, the fact that “a contravention process has started can only be deduced from the fact that the ascertaining agent is already acting in order to examine the circumstances of the case, initially aiming to determine whether the fact of the contravention is present or not. As a matter of fact, in a contravention process, the investigating officer examines, first of all, whether the contravention exists, and then identifies the person who is guilty of committing the contravention” [3, p. 76].

Basic content. The contravention process in the simplified procedure consists of the same phases as the classic process, only with the difference that they are carried out/ passed much faster due to certain distinct conditions and particularities, and the period from the notification/detection of the illegal act to the completion of the contravention process is very short.

The initiation of the contravention procedure is a procedural action when the existence of a contravention has been established from the content of the notification submitted, and the competent investigating agent orders the beginning of the collection and administration of the evidence that would confirm or deny the fact of the commission of a contravention [4, p. 55].

Thus, with the start of the contravention procedure, the application of the contravention law follows, which is a practical activity of the competent authorities in order to examine the contravention cases, being structured in four stages [5, p. 69]:

- a) Establishing the factual situation - clarifying the circumstances that require the application of the contravention law;
- b) The choice of the rule of contraventional law - the rule that must be applied in the circumstances established in fact;
- c) Interpretation of the contravention-

al rule – the totality of logical-rational operations carried out in order to clarify the exact meaning of the rules of contraventional law, as well as the activity of explaining the respective rules to the subjects to whom they are addressed;

d) Elaboration and issuing of the act of enforcement of the contraventional norm - it is the last moment of the enforcement process that will attract the establishment, modification or extinguishment of concrete legal relationships [6, p. 33].

Here the legislator determines different procedural acts, first of all, **the minutes regarding the contravention** by which the illegal act is individualized, the perpetrator is identified and a solution is adopted on a case-by-case basis.

Another procedural act is the **decision** by which the flagrant contravention is examined, i.e. discovered at the time of its commission. In the same way, the decision resolves the offense examined based on the personal findings of the investigating agent. Regarding the contraventions found at the state border crossing points, if the person in respect of whom the contravention process was started recognizes the contravention committed and accepts the sanction in the form of a fine established by the ascertaining agent, he will draw up another procedural act, and namely the **fine receipt**.

The purpose of the contravention process can only be achieved by carrying out certain dedicated and concentrated activities, which emerge both from the content of art. 2 of the Contravention Code which generally determines the “Purpose of the contravention law” which consists “in the defense of the legitimate rights and freedoms of the person, the defense of property, public order, other values protected by law, in the settlement of contravention cases, as well as in preventing the commission of new contraventions”; as well as from the provisions of art. 374 of the Contravention Code, which determines them

as “establishing the contravention, examining and resolving the contravention cause, ascertaining the causes and conditions that contributed to the commission of the contravention” [7].

The Contravention Code defines for the ascertaining agent the possibility not only of establishing the fact that there is a reasonable suspicion that a contravention has been committed, but also of examining and, even more importantly, of applying the sanction to the contravention case [3, p. 222].

The question arises - in the case of simplified procedures, are the goals of the contravention process determined above achieved - what is the role of these procedures, as well as the impact they have in achieving the tasks described?

The contravention process from the point of view of evidence is usually limited to only a few procedural actions; for example, when we refer to contraventions committed in the field of road traffic or those in the field of public order and security, at the same time, for flagrant contraventions, the time between their detection and examination and the adoption of the decision per case is as short as possible.

The simplified procedures do not have the role of diminishing the procedural rights and guarantees that the participants in the process have, these being fully guaranteed and being, in this sense, similar to the classic procedure. Moreover, they establish certain facilities, such as: reducing the examination time, reducing the size of the fine, etc.

Respectively, by establishing the mechanisms for the simplified examination of the contravention case and the conclusion of the collaboration agreement, the solution of the contravention process is aimed in an optimal and predictable time [2, p. 204].

Thus, as advantages that motivate the application of these procedures, we can mention the following:

- reducing the period of documentation

and carrying out other procedural activities (sending the summons, setting the day and time of the examination session, hearing of the trial participants, etc.);

- reducing the workload in order to solve the case, the investigating officer having the opportunity to perform other duties;
- the offender's possibility to pay only part of the fine;
- avoiding expenses for ensuring an ordinary contravention procedure (providing an interpreter, defender, specialist, expert, etc.).

From the analysis of the statistical data, we determine that during 2022 a total of 633,850 decisions were issued on contravention cases, of which 122,340 cases were examined in the simplified procedure, with the issuance of *the Decision regarding the examination of the contravention based on the personal findings of the ascertaining agent* (hereafter – DCA) in 101,903 cases and *The decision on the contravention case + the Collaboration Agreement* (hereafter – DAC) in 20.437 cases.

During the first 5 months of the current year, statistical data show us that out of a total of 303,540 decisions issued, 68,278 cases were examined in a simplified procedure, in 56,965 cases DCA was issued, and in another 11,313 DAC plus the Collaboration Agreement.

Looking in retrospect, through the changes made in the Contravention Code based on Law no. 159 of 12.10.2018 [8], a new procedure for solving a contravention was introduced, namely the simplified procedure for ascertaining and examining contraventions. The given procedure was established for contraventions that present a low social danger, for which the administration of additional evidence is not necessary, the personal findings of the ascertaining agent being sufficient.

In the same vein, the respective procedure offers the possibility for the investigat-

ing agents to examine the case in a simpler and more compressed procedure, without the need to trigger the entire mechanism for examining and resolving the case, thus avoiding many of the long described stages above.

Thus, by establishing the mechanisms for simplified examination of the contravention case and concluding the collaboration agreement, the solution of the contravention process is aimed in an optimal and predictable term. Furthermore, through these changes, the goal was determined to increase the number of cases resolved in this way, an aspect that will lead to the concentration of human resources in order to increase the efficiency in the instrumentation of complex cases and, last but not least, to a better resolution of contravention processes.

To be able to examine the case in this procedure, two conditions must be met, and namely: the contravention can be identified based on the personal findings of the ascertaining agent and does not require the accumulation of evidence; another condition is that the person should accept the findings of the ascertaining agent as sufficient to prove guilt and admit the commission of the offense.

Simultaneously, it is not possible to examine the case in this procedure if the application of the contravention sanction is within the jurisdiction of the court or there are assets subject to confiscation.

Thus, following the examination of the contravention on the basis of personal findings, the investigating agent will not draw up a *“report on the contravention”*, unlike the general procedure, but will issue a *“decision on the examination of the contravention based on the personal findings of the ascertaining agent”*, by which he will apply a penalty equal to half of the minimum penalty in the form of a fine provided for by the article establishing the offense committed.

Article 451² of the Contravention Code provides that “the decision regarding the examination of the contravention based

on the personal finding of the ascertaining agent is an enforceable document, which will include: date, time and place of drawing up the decision; the quality, name and surname of the ascertaining agent, the name of the authority he represents; the name, surname, data from the identity card of the offender; the contravention act, the place, the time of the commission; the legal framework of the act; informing the perpetrator of the rights and obligations provided for in art. 384 and 387 of this code, as well as the consequences of the examination of the contravention in simplified procedure; the statement of the offender about the recognition of the commission of the offense and the acceptance of the findings of the ascertaining agent as sufficient to prove guilt" [7].

The operative part of the decision will include: the legal classification of the contravention, the decision of the finding agent to sanction the perpetrator, the transfer account of the banking institution to which the amount of the fine will be transferred, the way of appeal.

Moreover, corrections, additions and other changes are not allowed in the decision regarding the examination of the contravention. In the case of the need for such actions, a new decision should be issued in which the respective record will be made.

The decision is signed by the ascertaining agent and the perpetrator, a copy being handed to the perpetrator and the victim, if any. If the offender is a minor, the name, surname, address of his legal representative will also be recorded. In addition, if the perpetrator is assisted by a lawyer, the latter's identity will be indicated [7].

In the case of the perpetrator's disagreement with the decision regarding the examination of the violation based on the personal findings of the ascertaining agent, he is given the right to challenge it, following the procedure established in art. 451³ - 451⁴ of the Contravention Code. In this sense, the

decisions regarding the examination of the contravention based on the personal findings of the investigating officer can be challenged with an appeal within 15 days from the date of application of the sanction, in the first instance according to the territorial jurisdiction, if:

- the provisions on material competence were not respected;
- the perpetrator was sanctioned for a deed that is not considered a misdemeanor;
- there were applied sanctions other than those provided by the legislation.

The given decision can be challenged by the perpetrator, victim, prosecutor or by the heads of the authorities to which the investigating agents belong [7]. Actually, the procedure is identical to the ordinary procedure established by art. 448 (Appeal against the finding agent's decision on the contravention case).

Another way to examine the contravention by simplified procedure is the collaboration agreement provided for in art. 451⁵ of the Contravention Code; in essence, this agreement represents a transaction concluded between the investigating agent, as the case may be, the prosecutor and the perpetrator, who admits his guilt, in full, in exchange for a reduced sentence, it being possible to end the contravention process at any time until its substantive resolution.

Within the given procedure, the contravention case will be resolved by *decision on the contravention case*, under the terms of the collaboration agreement, according to the form and content provided by art. 451².

It should be highlighted that the collaboration agreement is to be concluded only after the initiation of the examination of the case in the general procedure, so the actions of the subjects mentioned in art. 451⁵ paragraph (3) of the Contravention Code, are aimed at the case solving, including the pre-established procedures.

The investigating agent, prosecutor,

perpetrator or his defender, the legal representative in the case of the commission of the violation by a minor, can initiate the collaboration agreement.

The investigating agent or the prosecutor is obliged to refuse to conclude the collaboration agreement if the act does not constitute a contravention or shows signs of a crime. The refusal to accept the conclusion of the collaboration agreement is not subject to any appeal.

At the moment of concluding the cooperation agreement, the investigating agent, as the case may be, the prosecutor stops accumulating evidence, and the perpetrator is no longer entitled to withdraw his agreement. In the event of the conclusion of the collaboration agreement, the perpetrator will be subject to a penalty equal to a half of the maximum penalty in the form of a fine provided for the offense committed [7].

From the given considerations, two procedural acts are concluded, the decision on the contravention case and the collaboration agreement, and the form of this type of decision contains the same headings and information as the decision regarding the examination of the contravention based on the personal findings of the ascertaining agent.

Based on the regulations determined by the Contravention Code by Government Decision no. 517 of 22.07.2022 [9], provisions were established with reference to the procedural decision documents for the simplified contravention procedures described above, called "The decision on the examination of the contravention based on the personal finding of the ascertaining agent" (sub-point 3 of point 35) and "Decision on the contravention case" (sub-point 4 of point 35).

We note that the legal requirements imposed on the decision, as well as the information contained in it, are similar to those in the "report regarding the contravention" provided for in sub-point 2 of point 35 of the mentioned Government Decision and of art.

443 of the Contravention Code (The content of the minutes regarding the contravention).

As regards the form of the Collaboration Agreement, the same Government Decision establishes it, and the content is developed by each authority with powers to ascertain and/or examine contraventions, in part.

For example, the Cooperation Agreement, applied by the investigative agents of the Police, contains the following information:

- 1) initiator of the collaboration agreement;
- 2) date (day, month, year) of conclusion;
- 3) place of conclusion;
- 4) name, surname, position of the ascertaining agent;
- 5) name of the authority that he represents;
- 6) name, surname, domicile, occupation of the person with whom the collaboration agreement was concluded, data from their identity card or from another document that establishes the identity of the person, and in the case of the legal entity - name, headquarters, its fiscal code, data of the natural person who represents it;
- 7) if the person in respect of whom the contravention process was started is a minor, the name, surname, address of the parents or other legal representatives will also be recorded in the collaboration agreement;
- 8) the description of the contravention, the place and time of its commission, the circumstances of the case that are important for the establishment of the facts and their legal consequences, the evaluation of the possible damages caused by the contravention;
- 9) familiarization with the provisions of art. 451⁵ paragraphs (1)-(4), which determine the conditions for concluding the Collaboration Agreement;
- 10) the person's declaration of recognition of the commission of the contravention [10].

Until the adoption of the Government Decision indicated above, the procedural

acts described were established in various departmental documents, for example, at the MIA level, the Order of the Minister of Internal Affairs no. 85 of 19 February 2019 “Regarding the approval of the Instruction on the manner of registration and record of contraventions” and the Order of the head of the General Police Inspectorate no. 85 of 02.03.2022 are applied, which made the activity of investigative agents dispersed and difficult, being, at the same time, valid only for investigative agents within the MIA (art. 400 of the Contravention Code).

From the analysis of the given provisions, it is obvious that this procedure can be applied only if the contravention is sanctioned with a fine and only if its examination is within the competence of the investigating agents.

Even if the simplified procedure can be applied by all state authorities that have powers to detect and/or examine contraventions, hypothetically the circle of detecting agents is limited only to those who work within the MIA and have police powers, or, other detecting agents cannot apply this procedure for several reasons, such as the application of special technical means, valid only for contraventions in the field of road traffic.

Thus, the DCA is drawn up only in the case of flagrant contravention personally ascertained by the ascertaining agent and if the person admits the commission of the contravention.

DAC+Agreement are drawn up in the case of flagrant contravention, detected by the investigating agent with the help of a special technical means, in the case of notification or self-reporting and if the person admits his guilt.

As we can see, the differences between these two procedures are the method of notifying the investigating agent and the means of proof. Also, the sanctioning system differs, it is not clear why the legislator decided in one case to establish the minimum limit of the

sanction in the form of a fine, and in another case the maximum limit, as a reference value for the application of $\frac{1}{2}$ of the sanction of the fine; or, these limits are quite varied and leave room for interpretation when one procedure or another can be applied.

Thus, in the situation when the reference value constitutes the maximum limit of the amount of the fine, the perpetrator is motivated to admit his guilt. We also consider that limiting the procedure only to contraventions detected with the help of a special technical means limits its application only to a category strictly determined by contraventions, such as those in the field of road traffic.

There is also a simplified procedure, which we believe is not fully utilized in the contravention process, although the contravention provisions determine in art. 447 (Receipt for collection of the fine at the place of detection of the contravention) that “In the case of recognition by the person in respect of whom the contravention process has been started of the contravention and acceptance of the sanction in the form of a fine established by the ascertaining agent, the latter issues the fine collection receipt at the place of detection of the contravention, which should contain the following:

- a) date, time and place of payment;
- b) name, surname, day, month, year of birth, personal code and domicile of the sanctioned person;
- c) name, surname and quality of the ascertaining agent, the authority he represents;
- d) contravention rule in which the sanction is applied and the circumstances that are important for establishing the fact and the legal consequences;
- e) amount of the applied fine;
- f) amount of the fine paid;
- g) signatures of the parties” [7].

The normative acts that apply and determine the conditions of this procedure are two orders of the Ministry of Internal Affairs, respectively by MIA Order no. 118 of

05.05.2017 [11] it is established that the receipt “represents a typed form of a primary document with a special regime of strict records, completed and issued at the place of detection of the contravention, by the ascertaining agents within the subdivisions of the MIA, which confirms the payment of fines and excludes the necessity of drawing up the minutes regarding the contravention. The investigating officer completes and issues the receipt only if the perpetrator admits that he is guilty of committing the offense and agrees to pay the fine against the receipt.”

The following normative act, MIA Order no. 51 of 23.02.2018 [12] provides that “the receipt is not issued if: material damage was caused by the contravention; there are criminal bodies subject to confiscation; contraventions provided by art. 220-226 are found (some contraventions in the field of transport) as well as contraventions provided by art. 228-245 (all contraventions in the field of road traffic); examination of contraventions is not within the competence of MIA subdivisions.”

At the same time, it is not expressly specified how the sanction in the form of a fine is individualized, as well as the limits that can be established, hence general provisions to be applied in the following. Thus, the given procedure has a limited applicability, being possible to be applied only for certain contraventions and only within a public authority.

Summarizing what was described above, we establish that at the present time there are several procedural documents through which the ascertaining agent can make a decision on a case-by-case basis: the minutes regarding the contravention, DCA and DAC (specially numbered forms), Collaboration Agreement (form with no special numbering).

Therefore, there is a very wide spectrum of situations in which the ascertaining agent must distinguish with certainty and clarity the examination stage of the contra-

vention case, the difference between a case that is included in the examination process corresponding to the classic procedure and the case, which is to be examined through a simplified procedure.

Thus, the minutes regarding the contravention have the following particularities:

- it is drawn up for notifications or self-notifications;
- it is drawn up on the basis of personal observations and accumulated evidence;
- the perpetrator either admits guilt or not;
- the penalty provided by law is applied;
- it is not drawn up in the case of flagrant contraventions.

The decision on the contravention case is determined by the following conditions:

- it is drawn up in the case of flagrant contraventions;
- it is drawn up for notifications or self-notifications;
- contraventions are ascertained by the ascertaining agent with the help of a special technical means;
- the perpetrator does not admit his guilt;
- the penalty provided by law is applied.

The decision on the examination of the contravention based on the personal finding of the ascertaining agent has the following characteristics:

- it is drawn up in the case of flagrant contraventions;
- it is drawn up based on the personal findings of the ascertaining agent;
- the offender admits his guilt;
- ½ of the minimum sanction in the form of a fine provided by law is applied.

The decision on the contravention case + the Collaboration Agreement are completed:

- in the case of flagrant contraventions detected by the ascertaining agent with the help of a special technical means;

- based on notifications;
- when the perpetrator admits guilt;
- when $\frac{1}{2}$ of the maximum penalty in the form of a fine provided by law is applied.

However, most of the time, either due to the lack of experience of the ascertaining agents, or due to ignorance, difficulties arise when drawing up the procedural documents. Finding agents often encounter difficulties in completing such documents. At the same time, the reference value of the sanction, which varies from case to case, also induces a negative impact, because the ascertaining agent, documenting the case through the simplified procedure, erroneously applies the size of the contravention sanction.

In the given situations, the investigating officer refuses, most of the time, to examine the case through a simplified procedure and uses the classic procedure, which is much simpler and clearer for him, filling out the report form regarding the contravention.

Another problem is the fact that the DCA form contains the confession of guilt column that the perpetrator countersigns, there are situations when, as a result of documenting and completing the form, the person refuses to sign and no longer admits guilt, a situation that leads to the cancellation of this decision and there is a need to document the case through another procedural act, and namely the minutes regarding the contravention.

Thus, the simplified procedure created with the task of simplifying the process of ascertaining and examining the contravention does not achieve its goal. Accordingly, the question arises: What are the conceptual differences between these two procedures and if a strict delimitation is necessary between them, in particular, and between them and the classical procedure, in general?

Analyzing the activity of the ascertaining agents regarding the documentation

of contravention cases, the conclusion was reached that the decision per case will be made on the basis of a single procedural act and depending on the selected documentation procedure, and the ascertaining agent will draw up either the minutes regarding the contravention, in the case of the examination through the classic procedure, either the minutes regarding the contravention + the Collaboration Agreement in the case of the simplified procedure, where the milder sanction than that provided by law will be applied.

Conclusions. Today we can say that the mechanism for examining contraventions in a simplified procedure is a viable one, which has demonstrated its efficiency and usefulness for all parties involved in the contravention process. At the same time, their delimitation in several distinct procedures creates certain difficulties that have a negative impact in practice, making it difficult for the ascertaining agents to perform their functional duties.

In this sense, in order to avoid both wasting the limited resources of the competent authorities with attributions for ascertaining and examining contraventions, as well as the faulty interpretation of the documentation method by the ascertaining agent, it is necessary to expressly establish which is the only act of decision and the amount of the fine applied to the examination of the case through a simplified procedure. For what reasons do we think it would be welcome to merge both procedures into one by amending the Contravention Code?

In addition, the contravention fine collection receipt remains an undervalued procedure, given the fact that it is only applied at the level of the Border Police and only for a limited number of contraventions, its necessity will be re-evaluated and the necessary normative changes will be initiated.

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9. Government Decision no. 517 of 22.07.2022 for the approval of the Concept of the automated informational system for the record of contraventions, contravenational causes and persons who have committed contraventions and the Regulation regarding the single record of contraventions, contravenational causes and persons who have committed contraventions, published in the *Monitorul Oficial* No. 267-273 of 26.08.2022, art. 663.
10. GPI Order no. 85 of 02.03.2022 “Regarding the approval of the standard forms of the procedural documents drawn up by the Police employees in the contravention process, as well as following the examination of other information regarding crimes and incidents”.
11. MIA Order no. 118 of 05.05.2017 “Regarding the approval of the fine receipt form at the place of finding the contravention”, published in *Monitorul Oficial* no. 335-339 of 15.09.2017.
12. MIA Order no. 51 of 23.02.2018 “Regarding the approval of the Regulation on the mechanism for collection, management and the deadline for transferring to the state budget the fines collected at the place of detection of the contravention”, published in *Monitorul Oficial* no. 227-284 of 27.07.2018.

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