



ORIGINAL PAPER

Considerations on the material element of the objective side of the offense of “perjury” from the perspective of the witness

Georgeta-Raluca Budiană¹⁾

Abstract:

The witnesses' depositions are important, as through the essential aspects which they know and are obliged to inform the judicial bodies about when they are asked, lead to establishing the truth and the fair solution of the case. The act of perjury, in a case where witnesses are heard, means not to tell the truth, to make accounts inconsistent with what the witness knew. It is important that the witness states what he knows, what he has directly perceived and not what is real (what he indirectly found out from other sources). The offense of “perjury” may be also committed through an inaction, respectively when the witness does not tell everything he knows about the essential facts or circumstances in respect of which he was asked. It is mandatory that the witness is asked about the essential circumstances which he reports. In the situation when the judicial bodies ask the witness about certain aspects and he refuses to answer, we consider that he should be charged with the offense of “perjury”. If a witness refuses to testify, when he does not want to report anything, we appreciate that also in this case he commits the crime of “perjury” because this attitude is equivalent to failing to provide any information. In order for him to be charged with the offense of perjury, it is important that the false statements or omissions relate to essential circumstances. The right of the witness not to incriminate himself shall oblige the judicial bodies not to use the statement given as a witness against that person, who has subsequently acquired the status of suspect or defendant in the same case.

From the above considerations we conclude that the witnesses are obliged to report all the essential aspects which they were asked about. Also, as a measure to protect witnesses, the privilege against self-incrimination has been established according to which the witness's statement cannot be used against him for a future charge.

Keywords: *witness; perjury; essential aspects; self-incrimination.*

¹⁾ PhD Candidate, University of Craiova, Faculty of Law Nicolae Titulescu, Romania, Phone: 0740.671.628, Email: raluanc@yahoo.com.

General considerations on the need to incriminate the offense of “perjury”

In Title IV Criminal Code, entitled “Offenses against the Administration of Justice”, at art. 273 Criminal Code the offense of “Perjury” is incriminated: ”The act of a witness who, in a criminal, civil or other proceeding in which witnesses are heard, gives false statements, or does not tell everything they know regarding the essential acts or circumstances in relation to which they are heard, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine. The perjury committed: by a witness whose identity is protected or who is included in the witness protection program; an investigator working undercover; a person who prepares an expert report or an interpreter; in relation to an offense for which the law provides life imprisonment or a term of imprisonment of 10 years or more shall be punishable by no less than 1 and no more than 5 years of imprisonment. The witness shall not be punishable if they withdraw their testimony, in criminal cases, before the defendant’s detention or arrest, or before the commencement of the criminal action or in other cases before a decision or another solution is given, following the false testimony given.”

We note that the legislator was concerned with protecting criminal justice by holding those persons accountable, who being summoned before the authorities as witnesses, experts, interpreters, make untrue statements, thus endangering the smooth running of the state bodies’ activities.

In order to find out the truth and for the administration of justice, the judicial bodies produce/collect evidence. Witness depositions, expert reports and translations of procedural documents are of particular importance in the category of evidence.

The witnesses’ testimonies are important, as through the essential aspects that they know and are obliged to bring to the attention of the judicial bodies when they are asked, lead to finding the truth and a fair solution of the case. But, according to the criminal law, witnesses have the obligation to be honest, not to hide important circumstances. In the event that a witness makes false statements, it may lead to the circumstance in which the judicial bodies may render an unfair solution, inconsistent with the truth.

Where expert knowledge is required, the judicial bodies shall ask for services of experts. Thus, the judicial bodies order the carrying out of expert reports that are materialized by the preparation of reports performed by experts. Given the significance, the importance of an expert report in establishing the truth, it is natural that the experts have the duty to insert in those reports real aspects, in accordance with the truth. The failure to comply with this duty shall result in the expert’s investigation for the offense of perjury.

Equally important is the work of an interpreter. When a person does not speak Romanian, he/she cannot speak or hear, the judicial bodies use the services of an interpreter. He/she facilitates the communication between the person who cannot speak and the judicial bodies. The interpreter’s work is extremely important, as he/she is the one who ensures the fidelity of the information from the judicial bodies to the person concerned and vice-versa. If the information, ideas are knowingly mistranslated or misinterpreted, the facts of the case may be wrongly held. This is the reason why the interpreter is also obliged to ensure the accuracy of the translated/interpreted information, otherwise he/she may be an active subject of the offense of “perjury”.

We notice that the role of witnesses, experts and interpreters is essential because the testimony, the expert report or the fidelity of the translation are the pillars

Considerations on the material element of the objective side of the offense of “perjury”...

which the solution is based on in a certain case. If the testimony, the expert report or the translation do not correspond to the truth, it is obvious that the solution will also be incorrect.

In this paper work we shall analyse only the material element of the offense of “perjury” committed by the person who has the standing of witness, as in judicial practice it is the most common case.

The material element of the objective side of the offense of “perjury”

The objective side of an offense comprises three main elements: the material element, the immediate consequence and the causal relationship.

In this section we shall analyse the material element of the offense of “Perjury” committed by a witness and we shall explain in detail its particularities in order to fully understand the essence of this offense, but also to be aware of the consequences of non-compliance with the rule of incrimination.

From reading the offense of “perjury” we find that the material element of the objective side is achieved either by an action or by an inaction. Both the specialist literature (Filipaș, 1985a:54, Pascu & Buneci, 2017:456; Toader, 2019:427; Ristea, 2014:450; Bogdan & Șerban, 2020:460; Ivan & Ivan, 2017:292; Boroi, 2019:392; Udroui: 2020:590) and judicial practice (Court of Appeal Craiova, Criminal Division, Criminal Judgment no. 1000/2nd of July 2018) are unanimous on this issue.

In the first version, the material element consists of the activity of the active subject to make false statements regarding the essential circumstances which he was asked about in a case where witnesses are heard.

In the second version, the material element consists of the failure to say everything he knows about the important aspects, in a case where witnesses are heard.

We are about to make an analysis of the ways of committing the offense of “perjury” both in terms of action and in terms of inaction.

a. Committing the offense of “perjury” by an action

The act of making false statements, in a case where witnesses are heard, means not to tell the truth, to make accounts inconsistent with what the witness knew. In order to hold the offense of “perjury” it is essential that there is a discrepancy between the aspects declared as a witness and what he knew.

The judicial practice has held that there is the offense of “perjury” in the situation where the witness made false statements before the police in the sense that a person other than the driver drove a car on public roads and caused a car accident (Court of Appeal, Criminal Division, Criminal Judgment no. 201/8th of February 2017).

It is also important for the witness to state what he knows, what he perceived directly and not what the reality is (which he found out indirectly from other sources). Thus, if the witness states that he directly perceived certain things (which actually took place), but did not see or hear them when they happened, we consider that he committed the offense of “perjury”.

However, the older doctrine considered that there is no offense of “perjury” if the witness stated that he witnessed certain events, which in fact took place in reality, but which he did not perceive directly but he heard from other sources. Those authors (Dongoroz, Kahane, Oancea, Stănoiu, Fodor, Iliescu, Bulai, Roșca, 2003:450) consider that the testimony of the witness is not false evidence, because those events actually took place, and as a consequence there is no possibility of prejudicing the administration of justice. There have also been decisions that have embraced this view.

We do not share this view, because in the criminal proceedings the testimony of witnesses has an essential role; through the testimonies of the witnesses truth is established. What is essential in any proceedings where witnesses are heard is that the conclusion reached by the judiciary be based on the truth as perceived by the witnesses, on real issues, perceived or heard directly, and not on statements heard by witnesses from other persons and reported to the judicial bodies as being personally perceived by the persons heard. If all the witnesses unrealistically state that they attended an event which took place, this will lead to a solution based on the statements of some people who did not know directly what happened. Basically, that event will be proven on the basis of false statements.

Also, the rules of criminal procedure provide as follows: “Evidence is any fact that serves to establish the existence or non-existence of an offense, to identify the person who committed it and to know the circumstances necessary for the fair settlement of the case and that contribute to finding out the truth in criminal proceedings” (Criminal Procedure Code of 2014, article 97).

. Thus, from this text of law it results that evidence has the role of proving the existence of the offense, and not vice-versa, the existence of the offense to prove the honesty of the witnesses’ deposition.

We conclude that when the material element of the objective side of the offense of “perjury” consists of an action, witnesses have the obligation to report what they perceived directly or what they heard personally, and in no way to declare that they participated in a particular event that they have learned about from third parties, but which witnesses present as being perceived directly.

b. Committing the offense of “perjury” by an inaction

As mentioned above, the offense of "perjury" can be committed by inaction, respectively when the witness does not say everything he knows about the essential facts or circumstances which he was asked about.

Not saying everything he knows means not declaring all or part of what the witness knows.

The judicial practice provided examples in this respect. Thus, the existence of the offense of “perjury” has been held in case the witnesses, being heard in the phase of criminal prosecution, did not tell everything they knew about the events that took place in a club, although they directly noticed carrying out acts of violence exercised by the aggressor group on the injured persons (Court of Appeal Cluj, Criminal Division, Criminal Judgment no. 1512/18th of December 2018). On another occasion, the guilt for committing the offense of “perjury” was held, because during the hearing as a witness both before the court and before the criminal prosecution bodies, the defendant claimed that he did not see any incident between the aggressor and the victim, nor did he see that the aggressor hit the victim, although he was present, directly observing what had happened (Court of Appeal Iași, Criminal Division, Criminal Judgment no. 808/3rd of November 2017).

We ascertain that the witness’s failure to declare the essential aspects represent a component of the material object of the objective side of the offense of “perjury”, and in order to avoid the criminal prosecution witnesses must fulfil this civic, moral and legal obligation to help finding out the truth.

c. The need to question the witness about essential aspects

Also, in order to hold the offense of “perjury” it is mandatory that the witness is asked about the essential circumstances that he does not want to report about. If the

Considerations on the material element of the objective side of the offense of “perjury”...

witness is not asked about a particular matter and does not make any reference to that circumstance, he may not be charged with the offense of “perjury”, precisely because he was not asked such a question.

The judicial practice has held that “if the witness has not been asked about a circumstance essential to the resolution of the case, his act not to make false statements about such a circumstance does not gather the constitutive elements of the offense of perjury”(The High Court of Cassation and Justice, Criminal Division, Criminal Judgment 5430/2004, quoted in Bodoroncea, Kuglay, Lefterache, Matei, Nedelcu, Vasile, 2007: 913).

Also, the judicial practice has established that the defendant is not guilty of the offense of "perjury" as long as he was previously heard as a witness in a criminal case, he was been asked about the essential aspects, so that he was not obliged to report them (Court of Appeal Cluj, Criminal Division, Criminal Judgment no. 851/3rd of Jul 2018)

From the above explanations and from the examples encountered in practice, we conclude that the witness must be asked about a certain aspect. If he is asked and in bad faith either does he not answer or says that he is not aware of that, the offense of ”perjury” shall be held. If he is not asked about that essential aspect, then he cannot be charged with this offense.

d. The witness's refusal to answer specific questions

On the other hand, if the judicial authorities ask the witness about certain aspects and he refuses to answer, we consider that he should be charged with the offense of “perjury”, because by this refusal the witness "does not say everything he knows" about those essential aspects. We do not agree with those authors who consider that the witness's refusal to answer certain questions does not have the significance of an omission, so that he cannot be held accountable for committing the offense of "perjury". They consider that the explicit refusal of the witness to answer certain essential questions does not mislead the judicial bodies, but it is rather a warning that they are required to produce further evidence to find out the truth (Filipaș 1985b: 56; Dobrinoiu, Pascu, Hotca, Chiș, Gorunescu, Păun, Dobrinoiu, Neagu, Constantin Sinescu 2016a:432; Bodoroncea, Cioclei, Kuglay, Lefterache, Manea, Nedelcu, Vasile 2016:808).

From reading art. 273 Criminal Code it does not result that there must be a misleading of the judicial bodies, being sufficient that the witness does not answer the essential questions, so that our opinion is in the sense of holding the offense of ”perjury”.

e. The witness’s refusal to testify

However, in the situation where a witness refuses to testify, when he does not want to report anything, we appreciate that even in this case he commits the offense of "perjury" because this attitude is equivalent to the failure to provide any information. Basically, by refusing to give any explanation, the witness not only does not want to answer the essential questions, he does not want to answer any question.

The judicial practice provided examples in this respect. Thus, he was found guilty of committing the offense of “perjury” the person who before the police refused to testify as a witness in a criminal case, although he was aware of issues related to driving a vehicle by a person who does not possess a driver's license (Criminal Judgment no. 1321/18th of October 2019 of the Court of Law Constanța)

From the example provided by the judicial practice, we notice that the witness's refusal to testify is more serious than the refusal to answer specific questions,

because in the second situation the witness answers some of the questions, whereas in the first case the witness does not want to give any answer, information or detail.

f. The essential nature of the circumstances which the witness is required to report

In order to be able to hold the offense of perjury it is important that the false statements or omissions relate to essential circumstances. The concept of “essential circumstances” represent those elements which relate to important matters, which lead to a fair settlement of the case and not to those elements which are not related to the case. The judicial practice has considered that the attribute of “essential circumstance” is given by the evidential efficiency, the relevance and the conclusion of the evidence in solving that case (Court of Appeal, Criminal Division, Criminal Judgment no. 851/3rd of July 2019). We endorse this opinion, because not all aspects of a witness's testimony are essential, not all of them lead to the resolution of the case, so that those insignificant, non-essential elements do not attract the offense of “perjury”.

The judicial practice provides examples in which it has taken into account the essential nature of certain factual circumstances. Thus, it has been held that the active subject of the offense of “perjury”, being previously heard as a witness, lied about the essential aspects, namely: both before the criminal investigation bodies and before the court, she stated that she was the one who drove the car, and not her husband, who was under the influence of alcohol and who was found by the police near the car. From the evidence produced it resulted that the defendant's husband, while under the influence of alcohol, drove the car. It can be seen that by her statement, the defendant tried to exonerate her husband, and consequently to induce the judicial bodies the idea that no offense had been committed (Court of Appeal, Criminal Division, Criminal Judgment no. 114/31st of January 2018).

As shown above, the issues reported by a witness which do not refer to the essential circumstances do not represent the offense of “perjury” because they do not contribute to establishing the facts of the case, do not lead to establishing guilt or innocence of a person. In this respect, the judicial practice has established that the act of the witness who made inaccurate statements about the position of the room in which a certain discussion took place does not represent the offense of “perjury”, but the person who reproduced the real content of the conversation (Supreme Court, col. pen., dec. no. 2563/1958, in LP no. 3/1959, p. 88, quoted in Dobrinou et al. 2016b: 432). It must be emphasized that this essential nature of the circumstances relates both to the situation in which false statements are made and to the failure to state essential aspects of a particular aspect.

g. The witness's right not to contribute to his own incrimination

A fairly common situation is that by declaring the aspects that the witnesses know, their self-incrimination is reached. In order to avoid these situations, Directive (EU) 2016/343 of the European Parliament and of the Council of 9th of March 2016 was adopted at European level.

The preamble to the above-mentioned Directive states, inter alia: “the right against self-incrimination is also an important aspect of the presumption of innocence. When asked to give a statement or answer questions, suspects and accused persons should not be compelled to provide evidence or documents or to provide information that could lead to self-incrimination”.

Considerations on the material element of the objective side of the offense of “perjury”...

Romanian legislation also establishes this type of guarantee. Thus, the Criminal Procedure Code provides the right against self-incrimination and prohibits the use of incriminating statements against those who gave them.

It must be emphasized that the witness's right against self-incrimination does not concern the situation where a person is heard as a witness, after which he is charged with the offense of “perjury” in relation to the essential aspects which he has reported. Thus, the witness's right against self-incrimination concerns those aspects which directly affect him, which could charge him and which he was asked about by the state bodies. The privilege against self-incrimination should not be interpreted as meaning that the judicial bodies cannot use the witness statement to prove the offense of “perjury” (Court of Appeal Craiova, Criminal Division, Criminal Judgment 1391/2015). The witness’s right against self-incrimination shall oblige the judicial authorities not to use the statement given as a witness against that person, who has subsequently acquired the standing of suspect or defendant in the same case. The legal text takes into account the situation of the person who is heard as a witness after the beginning of the criminal investigation “in rem”, and subsequently the criminal prosecution against this person is continued, acquiring the standing of suspect; the legal text also refers to the situation of the one who has the standing of suspect / defendant, later the judicial body ordering the splitting of the case, and in the newly formed file the person having the standing of witness. According to art. 118 Criminal Procedure Code in none of these cases can the judicial body use against the suspect/defendant the statement he had given as a witness.

h. Cases where witnesses can be heard

In order to be able to hold the offense of “perjury” it is necessary that the hearing of the witness takes place in criminal, civil proceedings, or in any other case in which witnesses are heard. Regarding this last aspect, the judicial practice appreciated that he is guilty of committing the offense of “perjury” in the situation when being heard as a witness by a notary in a successoral case, the defendant stated that the deceased had only one child, statements that did not correspond to reality, because she had several children (Court of Appeal Târgu Mureș, Criminal Division, Criminal Judgment no. 612/02 noiembrie 2016). On other occasion, the judicial practice held the guilt of the defendant for committing the offense of “perjury” because, in the successoral procedure, before the notary public, she falsely stated that she knew the deceased and that she knew that she had no more children, although the defendant never knew the deceased, not sure if she had other children or not (Court of Appeal București, Criminal Division, Criminal Judgment no. 290/19 februarie 2016). The offense of perjury can also be committed by the person heard as a witness in a disciplinary procedure that takes place before the Judicial Inspection; or by the witness heard by the bodies of the penitentiary or by the Supervising Judge of the penitentiary.

i. Multitude of acts of the offense of “perjury”

When the witness, on the same occasion, makes both unreal statements and omissions, only one offense of “perjury” will be held, as the statements or omissions are alternative ways of committing the act. Even if there are several actions or inactions, due to the fact that they are committed in the same circumstance and at short intervals, it is a natural unit of the offense of “perjury”.

However, if the witness, in the same case, makes false statements in various circumstances, as many offenses of “perjury” will be held as unrealistic statements he has given or, the continued form of this offense may be held (For instance: the witness is heard by the criminal investigation bodies, by the prosecutor and by the court, on

which occasions he always makes false statements. In such a case, either the continued form of the offense of “perjury” will be held (if the single criminal resolution is demonstrated), or the concurrence of offenses). The continued form of the offense of "perjury" will be held if the unique criminal resolution will be demonstrated, i.e. that internal, subjective element, in the perpetrator's mind when committing the first material act, which consists in foreshadowing the activity of making untrue statements or not declaring everything he knows. If there is no such criminal resolution, each action or inaction will gain criminal autonomy and there will be as many offenses of “perjury” as there will be actions or inactions.

Conclusions

The witnesses’ depositions are important, as through the essential aspects which they know and are obliged to inform the judicial bodies about when they are asked, lead to establishing the truth and the fair solution of the case.

The act of perjury, in a case where witnesses are heard, means not to tell the truth, to make accounts inconsistent with what the witness knew. It is important that the witness states what he knows, what he has directly perceived and not what is real (what he indirectly found out from other sources).

The offense of “perjury” may be also committed through an inaction, respectively when the witness does not tell everything he knows about the essential facts or circumstances in respect of which he was asked. It is mandatory that the witness is asked about the essential circumstances which he reports.

In the situation when the judicial bodies ask the witness about certain aspects and he refuses to answer, we consider that he should be charged with the offense of “perjury”.

If a witness refuses to testify, when he does not want to report anything, we appreciate that also in this case he commits the crime of "perjury" because this attitude is equivalent to failing to provide any information.

In order for him to be charged with the offense of perjury, it is important that the false statements or omissions relate to essential circumstances.

The right of the witness not to incriminate himself shall oblige the judicial bodies not to use the statement given as a witness against that person, who has subsequently acquired the status of suspect or defendant in the same case.

From the above considerations we conclude that the witnesses are obliged to report all the essential aspects which they were asked about. Also, as a measure to protect witnesses, the privilege against self-incrimination has been established according to which the witness's statement cannot be used against him for a future charge.

References:

- Bodoroncea, G. Cioclei, V. Kuglay I. Lefterache L. Manea T. Nedelcu I. Vasile F.M., (2016) *Codul Penal. Comentariu pe articole*; art. 1-466,, București: Editura C.H. Beck, (Criminal Code Commentary on articles; art. 1-466,, C.H. Beck Publ. House, Bucharest).
- Bogdan, Ș. (2020) *Drept Penal, partea specială* Universul Juridic (Criminal Law, Special part. Universul Juridic, Bucharest).
- Boroi, A. (2019) *Drept Penal, partea specială* Editura C.H. Beck, (Criminal Law, Special part. C.H. Beck Publ. House, Bucharest).
- Court of Appeal București, Criminal Division, Criminal Judgment no. 290/19 februarie 2016, Retrieved from <https://sintact.ro>, accessed on 5th of February 2021.

Considerations on the material element of the objective side of the offense of “perjury”...

- Court of Appeal Cluj, Criminal Division, Criminal Judgment no. 1512/18th of December 2018, Retrieved from <https://sintact.ro>, accessed on 2nd of March 2021.
- Court of Appeal Cluj, Criminal Division, Criminal Judgment no. 851/3rd of Jul 2018, Retrieved from <https://sintact.ro>, accessed on 5th of March 2021.
- Court of Appeal Craiova, Criminal Division, Criminal Judgment 1391/2015 Retrieved from <https://www.legal-land.ro/codul-penal-adnotat/art-273-marturia-mincinoasa/>, accessed on 2nd of March 2021.
- Court of Appeal Craiova, Criminal Division, Criminal Judgment no. 1000/2nd of July 2018, Retrieved from <https://sintact.ro> accessed on 3rd of March 2021.
- Court of Appeal Iași, Criminal Division, Criminal Judgment no. 808/3rd of November 2017, Retrieved from <https://sintact.ro>, accessed on 2nd of March 2021.
- Court of Appeal Târgu Mureș, Criminal Division, Criminal Judgment no. 612/02 November 2016, Retrieved from <https://sintact.ro>, accessed on 5th of March 2021.
- Court of Appeal, Criminal Division, Criminal Judgment no. 114/31st of January 2018, Retrieved from <https://sintact.ro>, accessed on 4th of March 2021.
- Court of Appeal, Criminal Division, Criminal Judgment no. 201/8th of February 2017, Retrieved from <https://sintact.ro> accessed on 3rd of March 2021.
- Criminal Code of 2014 Retrieved from: <https://sintact.ro>
- Criminal Judgment no. 1321/18th of October 2019 of the Court of Law Constanța, Retrieved from <https://sintact.ro>, accessed on 5th of March 2021.
- Criminal Procedure Code of 2014. Retrieved from: <https://sintact.ro>.
- Dobrinouiu, V. Pascu, I. Hotca, M. A. Chiș, I. Gorunescu, M. Păun, C. Dobrinouiu, M. Neagu, N. Sinescu, M.C. (2016) *Noul Cod Penal comentat* Editia a III-a revăzută și adăugită, Universul Juridic („New Criminal Code annotated”. 3rd Edition, revised and expanded, Universul Juridic).
- Dongoroz, V. Kahane, S. Oancea, I. Stănoiu, E. Fodor, I. Iliescu, N. Bulai, C. Roșca, V. (2003): *Explicații teoretice ale codului penal român Vol. IV -*, Ed. Academiei române, editura All Beck, Buc. (Theoretical Explanations of the Romanian Criminal Code, 4th vol.-, Edition of Romanian Academy, All Beck Publ. House, Buc.).
- Filipaș, A. (1985) *Infrațiuni contra înfăptuirii justiției*, Editura Academiei Republicii Socialiste România, București (“Offenses against the Administration of Justice”, Academy of Socialist Republic of Romania Publ. House, Bucharest)
- Directive (EU) 2016/343 of the European Parliament and of the Council of 9th of March 2016, Retrieved from <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A32016L0343>.
- Court of Appeal Craiova, Criminal Division, Criminal Judgment no. 1000/2nd of July 2018, Retrieved from: <https://www.sintact.ro/#/jurisprudence/532072789/1/decizie-penala-nr-1000-2018-din-02-iul-2018-curtea-de-apel-craiova-marturia-mincinoasa-art-273...?cm=SREST>.
- Court of Appeal Craiova, Criminal Division, Criminal Judgment no. 201/9th of February 2017, Retrieved from <https://www.sintact.ro/#/jurisprudence/527311131/1/decizie-penala-nr-201-2017-din-09-feb-2017-curtea-de-apel-craiova-conducerea-unui-vehicul-sub...?cm=SREST>.
- Court of Appeal Ploiesti, Criminal Division, Criminal Judgment no. 303/19th of March 2018, Retrieved from <https://www.sintact.ro/#/jurisprudence/531550494/1/decizie-nr-303-2018-din-19-mar-2018-curtea-de-apel-ploiesti-marturia-mincinoasa-art-273-ncp-penal?cm=SREST>.
- Court of Appeal Cluj, Criminal Division, Criminal Judgment no. 1512/18th of December 2018, Retrieved from <https://www.sintact.ro/#/jurisprudence/532934877/1/decizie->

- nr-1512-2018-din-18-dec-2018-curtea-de-apel-cluj-marturia-mincinoasa-art-273-ncp-penal?cm=SREST,
Court of Appeal Iași, Criminal Division, Criminal Judgment no. 808/3rd of November 2017, Retrieved from <https://www.sintact.ro/#/jurisprudence/531530639/1/decizie-nr-808-2017-din-03-nov-2017-curtea-de-apel-iasi-marturia-mincinoasa-art-273-ncp-penal?cm=SREST>,
- Court of Appeal Cluj, Criminal Division, Criminal Judgment no. 851/3rd of July 2018, Retrieved from <https://www.sintact.ro/#/jurisprudence/531923348/1/decizie-penala-nr-851-2018-din-03-iul-2018-curtea-de-apel-cluj-marturia-mincinoasa-art-273-ncp-penal?cm=SREST>,
- Criminal Judgment no. 1321/18th of October 2019 of the Court of Law Constanța, Retrieved from <https://sintact.ro/#/jurisprudence/533729455/1/decizie-nr-1321-2019-din-18-oct-2019-judecatoria-constanta-marturia-mincinoasa-art-273-ncp-penal?cm=SREST>
- Court of Appeal, Criminal Division, Criminal Judgment no. 114/31st of January 2018, Retrieved from <https://www.sintact.ro/#/jurisprudence/531499662/1/decizie-nr-114-2018-din-31-ian-2018-curtea-de-apel-suceava-marturia-mincinoasa-art-273-ncp-penal?cm=SREST>,
- Court of Appeal Târgu Mureș, Criminal Division, Criminal Judgment no. 612/02 noiembrie 2016, Retrieved from <https://www.sintact.ro/#/jurisprudence/527346427/1/decizie-penala-nr-612-2016-din-02-nov-2016-curtea-de-apel-targu-mures-marturia-mincinoasa-art-273...?cm=SREST>,
- Court of Appeal București, Criminal Division, Criminal Judgment no. 290/19 februarie 2016, Retrieved from <https://www.sintact.ro/#/jurisprudence/525473511/1/decizie-penala-nr-290-2016-din-19-feb-2016-curtea-de-apel-bucuresti-marturia-mincinoasa-art-273...?cm=SREST>.
- Court of Appeal Craiova, Criminal Division, Criminal Judgment 1391/2015 Retrieved from <https://www.legal-land.ro/codul-penal-adnotat/art-273-marturia-mincinoasa>
- Ivan, G. Ivan, M.C. (2017) *Drept Penal, partea specială*, Editura C.H. Beck, (Criminal Law, Special part. C.H. Beck Publ. House, Bucharest)
- Pascu, I. Buneci, P. (2017) *Drept Penal, partea specială* Editura Hamangiu (Criminal Law, Special part. Hamangiu Publ. House, Bucharest)
- Ristea, I. (2014) „Drept Penal, partea specială”, Universul Juridic (Criminal Law, Special part. Universul Juridic, Bucharest)
- Supreme Court, col. pen., dec. no. 2563/1958, in LP no. 3/1959, p. 88, quoted in Dobrinioiu V., Pascu I., Hotca M. A., Chiș I., Gorunescu M., Păun C., Dobrinioiu M., Neagu N., Sinescu M.C. (2016) in *New Criminal Code annotated*. 3rd edition, revised and expanded of 23rd of May 2016, Universul Juridic, p. 432
- The High Court of Cassation and Justice, Criminal Division, Criminal Judgment 5430/2004, quoted in Bodoroncea G, Kuglay I., Lefterache L., Matei I., Nedelcu I., Vasile F.M. (2007) *Criminal Code* C.H. Beck Publishing House, Bucharest, page 913.
- Toader, T. (2019) *Drept Penal, partea specială* Universul Juridic, (Criminal Law, Special part. Universul Juridic, Bucharest).
- Udroiu, M. (2020) *Drept Penal, partea specială* Editura C.H. Beck (Criminal Law, Special part. C.H. Beck Publ. House, Bucharest).

Article Info

Received: April 12 2021

Accepted: July 01 2021
