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The Main Objectives of the Interpretation of Legal Rules

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Abstract
In this work we propose to analysis the main objectives of interpreting legal norms. Interpretation of legal norms is the logical-rational operation which clarifies the exact and complete meaning of normative provisions. It is a necessary condition for the process of achieving the Law. Regarding the object of interpretation of legal texts, we must mention that all three constituent elements of the norms are subject to interpretation: the hypothesis, the provision and the sanction. The hypothesis of the legal norm is subject to interpretation in order to clarify precisely to whom the rule is addressed and what are the conditions, circumstances, facts to which its prescription refers. The interpretation of the provision of the legal rule determines precisely those rights and obligations of the established subjects. Here, the conduct laid down for the subjects of the legislator will be specified. Interpretation is also required with regard to the sanction of the legal norm. In this case, the interpreter will specify the consequences in the case of the implementation or non-fulfillment of those normative prescriptions and what measures will be taken by the state authority.
Keywords: Interpretation, Rules, Objectives, Social Relations, Theory of Law

Introduction

The legal norm is a tool for regulating social relations; it cannot achieve the efficiency goal unless it finds concrete application - real efficiency, i.e. if it is actually used to achieve the legal order. "Applying the law, Professor Vintilă Dongoroz, (Dongoroz, 1999) means execution, accomplishment, norms of law contained in the law." However, the actual use of a rule corresponding to its functionality is not conceived without a precise determination of the content of the rule.

Content

So, in drafting the rules, the legislator must strive to clarify all the essential elements. He can only rely to a certain extent on the interpreter to fill the gaps of the norm or to clarify the ambiguities of the lawmaking module, intervening by imposing a limited limit on the minimum required and only when the objective requirements require it. The interpreter cannot supplement legislation it does

not create rules, but only attempts to explain the meaning of the norms and to adapt to the evolution of society.

The correct determination of the content of the rule of criminality is carried out by the legislator by various specific ways. For example, from the perspective of the general theory of law (Popa, 1999; Ceterchi, 1967) it has been rightly stated that any legal norm contains in its structure the following elements: the hypothesis - the legislator describes in the norm the situation in which a certain conduct by the addressees under certain circumstances and under certain circumstances; the precept or disposition - describes the behavior required by law, imposed or prohibited by law (Boboş, 1994). It follows that the precept can consist of the command of not doing - a prohibitive rule, of doing something - an onertive or restrictive normal-permissive norm; and sanction - violation of mood that engenders a certain form of reaction. The legal sanction is secured, that is, because, for its application, the public power intervenes.

According to their content, the legal norms have a precept - a definite and mandatory legal *praeceptum and a sanctio - sanctio juris,* determined in its substance and certain in its realization. The sanction may have as its object the reintegration and the previous situation in which the detention or repair or, in the end, to a safety measure, that is a cautious circumstance - prevention (Popa 1996) is recognized.

Hence, we note that, in the case of the extra penal rule, the three elements appear explicitly within the norm; for example, according to art. 485 of the Civil Code, the owner does not become the owner of the fruit unless he possesses the good in good faith; otherwise, he is obliged to return the products together with the work of the owner claiming it. In this hypothesis, if the owner wishes to become the owner of the fruit, the provision is constituted as an order of the law of restraining goods if the possessor is in good faith: the sanction stipulated otherwise, the person of bad faith will be obliged to return the goods together with the owner.

As far as the Special Part of the Criminal Code is concerned, in my opinion, the legal rule *in abstracto* is always composed of the three above-mentioned elements, because under all circumstances the rule of the norm is an incident if the deed described in the norm is committed.

Exceptional cases, if the precept is not an incident, are provided by law or constitute a negative consequence of the content of the description of the offense. But if it is impossible, it is hard to argue that the theoretical criminal rule would be hypothetical.

It could be argued that this is a logical requirement of any legal norm, being presumed in any legal provision, even if the legislator, in relation to the specifics of a norm or another, abstains from it. Any precept is a response to a life hypothesis. The legislator orders or forbids anything in relation to the eventuality of a particular situation that would urge the subject to act; In this case, the subject must have the conduct required by the legislator, and not the other. For example, the "do not steal" precept shows the conduct that, in the opinion of the legislator, must have a person when he sees around him a mischievous good of another and feels the desire to acquire it - the hypothesis. For the criminal legislator, these situations are irrelevant, because, as I have already shown, in all occasions the person has to follow the precept of the norm.

In this respect, we observe that some authors of the general theory of law (Ceterchi, 1968; Ceterchi et al., 1967) distinguish between the logical structure of the legal norm or its internal and stable structure, which necessarily includes the hypothesis, the provision and the sanction and the

technical-legislative norm (Craiovan, 2007), its external and dynamic structure. The legislator may, in relation to certain legislative necessities, explicitly include in the norm only some of the elements of the logical structure and other elements to be understood, presumed. However, this does not exclude the existence, as a logical requirement in the structure of the norm, of all the mentioned elements.

As we have seen, it can be noted that from the three elements that make up the legal norm, the most frequently interpreted element is the hypothesis, because the implementation by applying to various singular ratios general provisions, expressed succinctly, generates the more discussions (Mihai, 1999)[1] and litigation. Interpretation, extensive, confirmatory or restrictive, generally refers to confronting the hypotheses actually contained in the norms with the assumptions made by the texts. For example, the Supreme Court has given an extensive interpretation to the hypothesis of the rule in Art. 12 paragraph final of Decree no 144/1958, by decision no. 1249 of September 8, 1962, that although this text expressly regulates only the situation in which the town hall's authorization was obtained at the time of the decree, this wording does not exclude the situation in which the alienation license was obtained later.

The doctrine also discusses whether, to a certain extent, the legal norm can be adopted in such a way that it also applies in the event of the occurrence of similar factual situations but not identical to those envisaged by the legislator at the date of the adoption of the normative act. In this respect, I would point out that, in an extensive interpretation, such a new situation could be framed in the hypothesis of the legal norm that it had not initially envisaged. It is a way of adapting the law to the dynamics of social relationships that it regulates. However, interpretation with such a purpose must be done with caution so as to preserve the purpose of the law and, in general, preserve the will of the legislator.

But, besides this extensive interpretation, we also mention another example of the interpretation of the legal norm hypothesis, but in a restrictive way. For example, it has been ruled that the extinctive prescription is not interrupted if it has been terminated, it does not apply to the case where the cessation of the trial has been ruled out because of the incompetence of the courts to settle the dispute.

At the same time, it was noted that not only the hypothesis is subject to interpretation, but also the other elements of the legal norm (Paşalega, 1960) are subject to interpretation (Cojocaru, 1989).

In this respect, it has been shown that in some cases the purpose of the interpretation of the rules is to determine the actual content of the provision of the rule in order to specify the rights and obligations established by that rule. For example, in art. 280^2 C.pr.p. - the legislative framework is currently Article 295-298 C.pr.p., correlated with the provisions of Article 289 paragraphs (1) - (6) and paragraph (8) of C.pr.p., it was stipulated that in the case of the offenses in which the criminal proceedings are commenced at the preliminary complaint of the injured party, it may address with its complaint either directly to the court competent to hear the case or to the criminal prosecution body. to know if the injured party can use successively the two ways indicated in this text.

We note that some courts have considered that the cessation of the criminal trial - by ranking - does not put an end to the injured party the right to then address the court with direct action, and

[1] In the literature, it was argued that the object of interpretation is the text, as a verbal expression of the legal norm, and not the norm, which cannot be perceived by any sense organ.

other courts have ruled the opposite. Thus, by Guideline Decision no. 7 of November 20, 1958, the Plenum of the Supreme Court, making a logical-systematic analysis of the texts and a historical analysis of their evolution, established that the possibility of choice being an alternative, the damaged part can use only one of the two provided in art. 280[2]C.pr. We also recall that another example of the interpretation of the provision of the legal norm can be found in the decision No. 4012 of 10 November 1961 of the First State Arbitrator regarding the legal possibility of collecting the counter-equivalent of a benefit accepted by the beneficiary, even in lack of contractual forms.

In addition, examining a number of concrete cases, the Plenum of the Supreme Court clarified, through Guideline Decision no. 29 of October 15, 1962 that the notification of the civil labor law[2] or of the judicial bodies by the party that has lost the notice period is made within the same period of 15 days as stipulated in art. 1247 of the Labor Code, in which the request for repayment may be introduced.

It has also been rightly considered that there are many cases in which the primary objective of interpreting the legal norm, with a view to its application in the dispute, is the sanction of the rule (Paşalega, 1960). Sometimes the issue is in the face of establishing the existence of any sanction. In this respect, in judicial practice it was decided by decision no. 1598 of 30 November 1962 of the Supreme Court, that the employment contract concluded on the basis of a competition is null and void, without the competition being approved by the tutelage body according to the requirements of the law. In art. 21 of the "Rules of the Arbitration Procedure" stipulated that the counterclaim and the warranty claim would have to be filed with the testimony. By decision no. 312 of 31 January 1962 of the First State Arbitrator, established that these "Rules" do not provide for any denial if the request for a warranty claim was lodged after the filing of the plea, and consequently "the organ's solution is unlawful arbitration, to reject the claim for warranty as late "(Pascal 1960)

Otherwise, the rule expressly mentions the sanction and what constitutes the object of the analysis is only the character of that sanction, such as the nullity resulting from the absence of the defendant, elected or ex officio, in cases where the law requires the defendant to be assisted by a defender, a matter which the Plenum of the Supreme Court has solved by its guidance decision no. 18 of August 25, 1960, in the sense of absolute nullity. Different solutions would also have received the question of the nullity sanctioning the disregard of the mandatory provisions in Art. 35 par. 2 the final part of the Family Code and it was necessary for the Plenum of the Supreme Court to give guidance - by Guideline Decision no. 18 of June 25, 1963 - that the nullity of the act of alienation or strife by one of the spouses, without the consent of the other spouse, of a land or construction that is part of the common goods is relative and the act can be confirmed, expressly or tacitly, by the latter husband. Only if such confirmation does not take place the act is null in its entirety.

In conclusion, we show that this practice thus confirms the thesis that the interpretation has the task of revealing the content of all elements of the legal norm.

[2] We note that in art. 1267 C. civ in force: "The clauses are interpreted by each other, giving every meaning resulting from the whole of the contract." This is a systematic interpretation (which is, moreover, the title of Article 1267 C. civ.). In fact, the normative act also represents, as a rule, a whole, a unitary whole. If the right as a whole is a system, and the unity characterizes, even defines any system, means that the normative act is a similar structure.

In connection with the purpose and necessity of interpretation, other legal trends have also emerged, including the Exegetical School, the Sociological or Evolutionary School, The Theory of Autonomy of Texts.

According to the "Exegetical School", also called the "School of Historical Performance", the interpretation is only to seek the will of the legislator; the interpreter is thus empowered to make the exegesis of the text of the law, i.e. to investigate the significance and extent of the scope of action, by simply analyzing the texts and, if necessary, examining only the preparatory work for the adoption of the law - the expositions of motives, the reports, the parliamentary debates.

The Exegetical School insisted that the law is a commander's office; the true source of the law is the will of the legislator, and therefore, whenever there is doubt about the significance of the law, it must be sought by the legislator.

Appearing with the promulgation of the Napoleon Code in 1804, the Exegetic School experienced a peak between 1840 and 1880, and then became aware of the decline caused by the many criticisms brought to it. Among them, some referred to the fact that the will of the legislator is not without reproach, as he expectively considers exegetical school; the will of the legislator - affirmed the critics of the school - "is the expression of the momentary and fluctuating of discordant wills, existing in a group and which can progressively lose its significance and importance" (Bădescu, 2013).

In the same sense, critics said, the doubts of interpretation cannot be solved by resorting exclusively to the will of the legislator, since it is more a fiction than a reality, often confusing, contradictory and even non-existent.

Conclusions

The evolutionary school (the sociological school of interpretation) argues that once the law enters into force, the law moves away from the will of the legislator and lives its own life (Djuvara 1935)[3]. According to this concept, laws must be interpreted according to conceptions - the legal, moral and social conceptions of each age, taking into account the real requirements of utility and social equity. At the same time, the interpreter must not contradict the clear and precise text of the law, to betray the will of the legislator.

The theory of the autonomy of texts - having as founder Pierre Pescatore - claims that the text of the law must be understood and interpreted in itself, without reference to extrinsic interpretation.

The text of the law is the limits of the law-makers' powers, and all that is necessary beyond these limits, to ensure the enforcement of the law, lies with the enforcement bodies (Djuvara, 1935).

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[3] "... the law, as soon as it exists, breaks down from the will of the legislator to pursue his own destiny".

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