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**THE RELATIONSHIP
BETWEEN THE LEGAL
SUBJECT OF THE OFFENSE
AND THE CONCEPT OF
SOCIAL VALUE**

Theoretical
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Abstract

The society does not have to be a mere observer of reality; it should have an initiative and it should take measures in order to ensure the common good. It is very important to have in mind that, besides the criminal law, the church is another entity that protects social values. From this angle, they represent what we want, seek, cherish and love. The valuation criteria depend on the value assessment of the members of the society, on their conscience and, not least, on their degree of culture. The society categorizes as social values all those criteria on which it depends for its existence, development and sustainability.

1. Introduction

Etymologically, the word "value" comes from the Latin word "valor", signifying the measure by which someone or something was appreciated, and "social" represents an element created by the society, involving the human society (Hâncu, D., 1974, p. 602).

In order to define the concept of "social value", in criminal law, we should start from the definition of this branch of law. Thus, criminal law represents the branch of law regulating social defense relationships, by prohibiting the offenses under specific criminal penalties of the actions or inactions which are dangerous to social values, in order to protect these values, either through crime prevention or by punishing the persons who commit them.

Therefore, the criminal law has a proper object of regulation, consisting of the protection of the entire system of social values underlying the society, i.e. it protects society as a whole (Mitra, M., 2003, p. 143-148). The subject of criminal law consists of a special category of social relationships that we call "social protection relationships, arising from the need to protect the essential values of the society and to develop them safely.

It is true that the existence of human society, regardless of its organization and level of development, cannot be conceived without the compliance by its members to such values as life, liberty, dignity, state security, etc. In society, its members are required not to harm or not to compromise the values underlying the existence of the society itself. Their compliance triggers the emergence and development of the society and of the harmony between community members (Dobrinescu, I., 1992, p. 30).

Seen as the "watchdog of the society", the criminal law requires its citizens a certain behavior regarding their social values, namely, their observance and protection and providing an environment where they could develop. In other words, the criminal law imposes discipline to the members of the society, in order to protect social values (Mitra (Radu), M., 2013, pp. 149-153).

This demonstrates the urgent necessity of the criminal law, recognized by all the authors in the field, namely the protection of social values and the legal regulation in order to protect these values. The purpose of criminal law is triggered out of its necessity and it consists in the protection of social values against offenses.

The purpose of criminal law is not expressly provided in the Criminal Code but it is inferred from the interpretation of the doctrine. When talking about the need for criminal law, about its purpose, duties or functions, we focus on the same thing, namely on the protection of all social values.

Given the object and purpose of the legal regulations for the protection of social values, there was also proposed the name "social protection law," a distinct branch of law that regulates almost the most important activity of the state: the protection, preservation and conservation of a state's values (Mitrache, C., 1997, p. 8).

The protection of social values is also done by other means in a community (extra-criminal, cultural, economic rules); however, the hardest task belongs to the criminal law because it has instruments of coercion against the persons who violate these values.

The value is also an undeniable "presence" within the society and in the relationships that arise within it, without which it could not exist (Mitra (Radu), M., 2009, pp. 319-335). The values as "cherished entities" are preferred by excellence in order to express what is desirable in law, which should exist. The social role of values is essential, so they represent law configuration factors, and they are not strictly of legal nature, having also a moral, political, historical, philosophical dimension (Ceterchi, I., Craiovan, I., 1998, p. 23).

2. The definition of social values

Yet, what are these social values? What do they represent? How are they defined? It is true that the problem of defining social values is an interdisciplinary one, entailing the interest of both lawyers and philosophers or sociologists. No criminal law textbook gives the definition of social values. Ideologists talk about these values, they enumerate and classify them, emphasize their importance, require their respect and protection, but without defining or explaining them.

A series of social values are enumerated and presented within the Constitution, which is the fundamental law of the country, but also within the Criminal Code, the law of reference for criminal law. They are mentioned and presented in article 1 of both laws, maybe on purpose or as a coincidence.

By analyzing the two articles, we can see that the fundamental social value of the state, which the other values are dependent on, is state security; this is why the Romanian legislator pays great attention to and incriminate all the facts threatening this value, establishing a set of tough sanctions.

Romania, as a social state, should not be a simple observer but it should have an initiative and it should take measures in order to ensure the common good. It should be noted that, besides the criminal law, the church is also an important entity protecting social values (Floca N. I., 1990, p. 43). From this angle, they represent what we want, seek, cherish and love. The valuation criteria depend on

the value optics of the members of the society, on their conscience and, not least, on their degree of culture. The society categorizes as social values all those criteria on which it depends for its existence, development and sustainability.

requirements of the citizens' behavior within the society. They represent the aspirations of the society toward the common good. Values were set in order to show how citizens should behave towards them. From this point of view, they represent behavioral clues, patterns of living.

The social value can be seen as the virtue of understanding the importance that certain things have within the society (for instance, the state security was perceived as the state's being, without which the other values would no longer exist).

It can also represent the image of the common good and of the citizens' happiness (life, as a social value, can be endangered through a series of acts of men; however, it can be seen as a social value benefitting from the protection of the society - in general - and from the protection of the criminal justice system - in particular; thus, the facts threatening this value will be severely punished, the beneficiaries of this value having the feeling of accomplishment and security).

3. Further considerations on the social value

The social value should be seen as a mirror of the past and present, as it shows what the society had protected, loved and imposed. Can the social value be seen and treated as a social interest?

It can be said rightly that the criminal law serves the protection and defense of the most important values of a state (state security, life, health, freedom, dignity, patrimony, authority, justice, family, trust, public health, social cohabitation, the ability to protect the country, the peace and the humanity); hence the reason why we should also define the social value criminally, not only philosophically and sociologically (Mariana MITRA, 2015, pp.131-138).

Mircea Djuvara speaks about social values as social facts, which have a certain legal significance (Djuvara, M., 1995). John Ceterchi stated that "the values that guide the entire legal system are not strictly and exclusively of legal nature, but they also have a moral, political, social, philosophical dimension, since the entire society, as a whole, has to defend its values".

These values appear as coordinates, principles and rules that no one, under any circumstance, should endanger. They are a sum of realities that surround us and give us the possibility to develop and evolve.

It well known that one of the tasks of the criminal law is to provide and establish the necessary framework for the development and establishment of the framework for the emergence of new social values (Mitra, M., 2008, pp. 218-240). Based on an entire set of social values, which should be

protected and respected, the emergence of social values results as a natural consequence; these, in turn, enable the emergence of other social values. The law contains eternal values and variable values that depend on the historical time, which can co-opt new values.

The relationship between an object and, especially, between a human pattern of behavior and a purpose is also known as a value. The purpose represents a positive value and its non-achievement is seen as a negative value (Kelsen, H., 2000, p. 39). The value appears as an obligation for everybody. It also appears as "natural jus", revealing the people's preoccupations, representing general standards of behavior, brought to the attention of categories of people who understand and respect them (Marin Marilena, Popescu Alina, 2014, pp. 437-444).

Social values influence our lives, strengthen our resistance to evil and to threats. Values represent patterns of behavior and action, designs of existential attitudes (Che an, O., 1988, p. 13).

The establishment of social values represents a natural selection made by the community according to its needs and purposes (Ierducov, V.N., *Iluzia Binelui. Valorile morale i Credin a Religioas*, Editura Politic, Bucure ti, 1988, p. 15). Plato said that values are "eternal, superhuman and autonomous, pure essences, irreducible qualities, the revelation of and encounter with the absolute"(Noica, C., 1976, p. 258). There is, therefore, a correspondence between the features of a value and its necessities.

Reported to social values, the present is a conclusion (Mariana MITRA, 2015, pp.131-138). The new man can be conceived only as a heir to the values accumulated by previous generations and also as a creator of new values. The activity of social valuation represents the social development direction. One of the essential particularities of the human personality is the presence of spiritual landmarks, of certain values.

4. Conclusions

From the above presented issues, we note that the social value protected by criminal law is a relationship established between a fact or an object based on the social need and its appreciation and protection offered by the community (Mitra, M., 2003, p. 143-148). It is an attribute of criminal law that confers it a vital role in the state and, at the same time, it points out the importance of this fundamental subject.

Given the above presented arguments, we can notice that the social value represents the essence and the core of any legal system. All legal systems are founded on the existence of values that are in a tight and indissoluble connection. The value represents the primacy of the legal norm, which it defends and protects (Ceterchi, I., Craiovan, I., 1998, p. 23; Ioan Dobrinescu, 1992, p. 30). Therefore, the social value also appears as an

objective of the law, i.e. setting certain values and respecting them, the law defining itself by its purpose.

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