

The Challenges of Harmonizing Criminal Provisions on Human Trafficking Between European Union Law and the Romanian Criminal Justice System

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Abstract

This paper examines the challenges and prospects of harmonizing criminal provisions on human trafficking between European Union law and the Romanian criminal justice system. The study aims to identify the main areas of convergence and divergence between Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and the relevant provisions of the Romanian Criminal Code and Criminal Procedure Code. The objective is to assess how Romania has transposed EU standards into its domestic legal framework and to what extent judicial practice aligns with the European acquis and the jurisprudence of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). Using a comparative legal methodology and doctrinal analysis, the study explores key dimensions such as victim protection, consent and exploitation, proportionality of sanctions, and procedural guarantees. Findings indicate that, although Romania has largely implemented the Directive's requirements, certain gaps persist, particularly in the interpretation of consent in trafficking cases, the treatment of victims during prosecution, and the proportionality of penalties. The research highlights the need for continued legislative refinement and judicial training to ensure full compliance with EU and international human rights standards. The paper contributes to the broader debate on European criminal policy harmonization, emphasizing that alignment with EU law should not undermine national judicial sovereignty but should enhance the effectiveness and coherence of anti-trafficking responses within a unified European legal space.

Keywords: Human Trafficking, European Union Law, Romanian Criminal Code, Legal Harmonization, Victim Protection, CJEU, ECtHR Jurisprudence, Comparative Criminal Law.