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Law

# The problem regarding the nature of the sanctioning act issued by the ascertaining agent and administrative commissions in contravention proceedings

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**Abstract**

In this article we will try to address the complex issue of the nature of the sanctioning act issued by the investigating agent and administrative commissions in contravention proceedings. We will analyze the role and responsibilities of the ascertaining agent and of the administrative commissions in issuing sanctioning acts, as well as their impact on the contravention procedure. The article is also expected to explore the challenges and difficulties encountered in practice, providing critical insight into the current system. Through a detailed analysis of relevant legislation and case-law, solutions will be proposed to improve the efficiency and fairness of the contravention procedure. This study represents a valuable contribution to the existing literature in the field of contravention law, providing a new perspective on an often-neglected aspect of this field.

**Keywords:** ascertaining agent, report on contravention, administrative commission, sanctioning act, contravention.

## Introduction

In situations where enforcement officers or administrative commissions fail to comply with legal norms during the critical phase of recording administrative offenses, such deviations may lead to the annulment of the administrative offense report or sanctioning decision and to the termination of the administrative proceedings. These violations can be observed in various circumstances, underscoring the importance of adhering to the law. Identifying antisocial behavior has a significant impact on the entire administrative process, serving as an essential tool for the collection and management of evidence, ultimately contributing to the completion of the administrative offense report or decision.

## Materials and methods

The relevance and usefulness of any study depend on the selection of an appropriate methodological framework. Among the methods employed in this work, logical methods, namely analysis and synthesis, hold a primary place.

Analysis is a method that involves breaking down a concept into its constituent parts to ensure a detailed and thorough examination of the structural elements of a phenomenon. Through the application of analysis, we conducted a comprehensive and analytical study of the subject matter, which enabled us to identify and highlight the main issues related to the current regulation of the nature of the sanctioning act issued by enforcement officers and administrative commissions within the administrative offense process.

On the other hand, synthesis is a method that made it possible to select, from the body of collected and analyzed information, the most relevant aspects and to facilitate the formulation of pertinent conclusions and solutions aimed at improving the legal-normative framework and enhancing the mechanisms for law enforcement in the process of detection, examination, and resolution of administrative cases.

Another method employed is the exegetical method, which involves interpreting the meaning of legal norms through direct reference to the text of the normative act. This approach allows us to understand the logic and intent of the legislator, encouraging critical and constructive evaluation of controversial legal provisions that generate inconsistent practices in the interpretation and application of administrative law.

**The aim of the study.**

The aim of this study is to investigate and analyze aspects related to the sanctioning of administrative offenses within the administrative procedure. The paper seeks to highlight the role and competencies of enforcement officers and administrative commissions in issuing sanctioning acts, to examine the legal nature of the administrative offense report, to identify potential problems or irregularities in the application of the law, and to propose solutions for improving the legal framework and law enforcement mechanisms. The ultimate goal is to contribute to the development of a more efficient and equitable approach in handling administrative cases, ensuring the protection of citizens' rights and the proper application of the law.

**Results and discussion**

According to the statements of the author Antonie Iorgovan, the administrative offense report on finding and sanctioning represents a unilateral administrative act of sanctioning (Iorgovan, 2005). This unilateral act may have either an individual or normative character and constitutes an expression of will issued by a public authority in the exercise of public power. Its purpose is to organize the implementation of the law or to ensure its concrete execution, having the capacity to create, modify, or extinguish legal relationships.

In Romanian legislation, pursuant to the provisions of Article 15(1) of Government Ordinance No. 2/2001 on the legal regime of administrative offenses, approved with amendments by Law No. 180/2002 (Hotca, 2012), as subsequently amended and supplemented (Iorgovan, 2005), an administrative offense is recorded by means of an official report drawn up by persons specifically designated in the normative act that regulates and sanctions the offense. These persons are commonly referred to as enforcement officers.

In the Republic of Moldova, according to the provisions of article 442(1) of the Contravention Code of the Republic of Moldova No. 218/2008, the administrative offense report constitutes an act through which the unlawful act is individualized and the offender is identified. The report is drawn up by the enforcement officer based on personal findings and collected evidence, in the presence or absence of the offender.

In the context of analyzing the legal nature of the administrative offense report, the specialized literature highlights several viewpoints. These are expressed in various ways and reflect diverse perspectives on the subject.

Thus, according to one opinion, the administrative offense report is considered an administrative act. Through this report, the unlawful act committed by the offender is individualized (Trofimov *et. al.,* 2017*)*.

From another perspective, it is argued that the administrative offense report has a procedural nature. It is embodied in an official written document prepared by a public officer. The report produces full legal effects without requiring any additional formalities, approvals, or confirmations (Hotca, 2012).

Another author considers that the administrative offense report possesses a mixed legal nature, being both an administrative act and an act of contraventional procedure (Ursuța, 2010).

In yet another approach, the administrative offense report is qualified as a *technical-material operation*. It is produced in written form and serves as a means of ascertaining the unlawful act committed (Santai, 2005).

There is also the view that the administrative offense report on finding and sanctioning constitutes a "genuine administrative act". It represents an act of ascertainment with a special character, specific to the field of contraventional law (Panchiv, 2022).

The diversity of opinions in the specialized literature reveals the complexity and significance of the administrative offense report in the context of administrative liability. Understanding these varied perspectives is essential to ensuring the correct and effective application of the law.

The Contraventional Legal Relationship of Liability refers to the application of legal sanctions by the state through authorities vested with powers in the field of administrative offenses. The passive subject of this legal relationship is the offender. The particular features of the object of contraventional liability derive from the specific nature of administrative sanctions.

According to the provisions of article 393 of the Contravention Code, the entities responsible for resolving administrative offense cases include the court, the prosecutor, the administrative commission, and the enforcement officer. A wide and diverse range of administrative offenses are identified and subsequently examined by enforcement officers designated by state authorities, as stipulated in articles 400–423[11] of the Contravention Code.

By virtue of the authority vested in them, the entities responsible for resolving administrative offense cases—regardless of the manner or means by which they became aware of the commission of the offense—draw up administrative offense reports, which are presumed to be lawful until proven otherwise. Thus, there is a presumption that all unilateral sanctioning acts prepared by these entities meet the validity requirements in terms of form and content and are issued by a legally competent person.

From the aforementioned considerations, it follows that enforcement officers possess special competence, as they record administrative offenses on the basis of specific and express provisions established in the normative act that defines and sanctions the offense.

The Nature of the Sanctioning Act Issued by the Enforcement Officer can be understood from the very basic concept of the term "enforcement officer", which is grounded in the definition provided by legal doctrine. The enforcement officer is described as a person representing a competent public authority, responsible for identifying an administrative offense. This function grants the officer the right to perform all necessary actions to determine the existence of the offense, to collect and manage the evidence attesting to its commission, as well as to identify the offender and assess the degree of culpability (Vedinaș, 2006).

Taking into account the theoretical perspectives mentioned above, it can be concluded that there exists one figure responsible for identifying violations and, simultaneously, another person or authority charged with applying administrative regulations. Assuming that enforcement officers perform unique roles, distinct from those tasked with examining such cases and imposing sanctions, it may be inferred that their competence is limited solely to actions related to the recognition and documentation of improper conduct.

From another perspective, it can be argued that, according to article 385(2) of the Contravention Code, the enforcement officer is a civil servant of the authorities established by existing legislation, entrusted with duties of identification and, exceptionally, of sanctioning (Contravention Code of the Republic of Moldova No. 218/2008). Therefore, the fact that the Contravention Code grants enforcement officers the authority to impose administrative sanctions means that the authority both identifies the offense, analyzes the case, and also has the power to issue a decision regarding it. Consequently, the verification of the offense and the imposition of the penalty are actions carried out by the same person.

A significant and intriguing aspect that has emerged both in practice and in doctrinal discussions concerns the method by which the enforcement officer identifies administrative offenses. In a broader context, the fundamental law does not provide a clear and specific procedure, but merely stipulates that offenses are established by enforcement officers, who are required to draw up an official report including certain mandatory elements.

According to debates in legal doctrine, there are two distinct schools of thought regarding the administrative offense report:

1. The traditional conception. This approach is based on prior consistent practice and maintains that the report prepared by the enforcement officer after the commission of the offense—or based on essential elements that were not personally observed by the officer—is affected by relative nullity. The main argument is that the administrative offense report represents an official act, an authentic legal document that produces effects without requiring any further approval or confirmation (Vedinaș, 2011).

2. The opposing view. This school of thought argues that direct ascertainment through personal observation should not be confused with the notion of "flagrante delicto" (flagrancy). It refers to the situation in which the offender is caught in the act of committing the offense. The argument advanced is that it would be inequitable for a more serious offense or unlawful act to be established solely on the basis of the enforcement officer's personal observations, without recourse to other means of evidence.

In conclusion, the debate regarding the validity of the administrative offense report remains a topic of interest in legal doctrine, with the two schools of thought reflecting diverse perspectives on this legal issue (Țiclea *et. al.,* 1995).

At the same time, regarding the general nature of the sanctioning act within the post-Soviet legal space—which includes the Republic of Moldova—the observations of authors I. Trofimov and A. Crețu are particularly relevant. They note that the existing regulations concerning the "administrative offense report" have their roots in the Soviet legislative concept. These derive primarily from the Soviet Code of Administrative Offenses, whose influence has persisted within the text of the current Contravention Code. Nevertheless, this legacy has had a significant impact on the procedural concept of administrative liability as it was shaped during the drafting of the new Contravention Code.

According to Article 443 of the Contravention Code, the administrative offense report is considered a "final act". It represents the culmination of the entire process of investigating an administrative case. In essence, the report serves as the official document that contains both the findings and the sanctions imposed in connection with a particular offense (Vedinaș, 2006).

The report, drawn up by enforcement officers, must include two categories of clauses:

- mandatory clauses, the absence of which, according to Article 445(1) of the Contravention Code, results in the absolute nullity of the administrative offense report. These include: the enforcement officer's name, surname, and official position; the name, surname, and date (day, month, year) of the report's drafting; the series and number of the identity document and the personal identification number (IDNP/Personal ID) or, where applicable, the identification data from the provisional identity card of the offender who has renounced the personal identification number and automated registration in the State Population Register; in the case of a legal entity—the absence of its name and registered office; the circumstances and legal qualification of the offense committed and the date of its commission; and the signature of the enforcement officer or of the assisting witness (in cases where the offender refuses to sign and the report was drawn up in the presence of a witness).

- other clauses, the absence of which does not automatically result in the nullity of the administrative offense report. According to article 445(2) of the Contravention Code, other breaches of article 443 or other imperative norms of the present Code may lead to the nullity of the

In the course of administrative offense detection, the procedure is concluded with the drafting of an administrative offense report. This document may be prepared either in the presence or absence of the offender, based on the personal observations of the enforcement officer and the evidence gathered by them.

The administrative offense report constitutes a procedural act through which both the unlawful act and the offender are identified. It marks the existence of the contraventional legal relationship and serves as the foundation for all procedural activities related to the administrative case until its completion.

Moreover, the report is subject to judicial oversight and represents the point at which the process of holding offenders accountable is initiated and recorded. Regardless of the manner or means by which the enforcement officer became aware of the offense, they are obliged to prepare the administrative offense report in writing.

Once the enforcement officer becomes aware of a legal violation, they are required to proceed with its documentation. Initially, it must be determined whether the act constitutes an administrative offense or a crime, based on the officer's personal observations, as well as reports from the offender, victims, witnesses, and other relevant evidence. Subsequently, the offender is identified and is obliged to present their identity card. To verify the place of employment and any official, student, or other identification documents, the information provided by the offender is taken into account.

Moreover, the enforcement officer must determine the circumstances in which the administrative offense was committed, identify the normative act that provides for it, and assess whether any material damage occurred or whether there are assets subject to confiscation. It must also be verified whether any circumstance exists that would exclude the contraventional nature of the act.

In the context of administrative offense detection, the procedure for drafting the administrative offense report involves the signatures of both the enforcement officer and the offender. However, there are specific situations that must be properly managed:

If the offender is absent or refuses to sign, the enforcement officer must note these circumstances in the report. This note must be confirmed by at least one witness. In such cases, the report must also include the personal details and signature of the witness. It is important to emphasize that another enforcement officer cannot serve as the witness.

If a person commits multiple administrative offenses, all of which are detected simultaneously by the same enforcement officer, a single report must be drafted encompassing all these violations.

Thus, by analyzing the elements of the administrative offense report prepared by the enforcement officer, we have identified both the mandatory and optional elements as specified in the provisions of article 443 of the Contravention Code.

Furthermore, the enforcement officer must also take into account the conditions for the validity of an administrative act. According to Constitutional Court Decision No. 14 of 18 March 1999: "Administrative acts are subject to the following conditions of validity:

- They must be issued (adopted) by a competent authority;*

- They must be issued on the basis of and for the execution of the law (constitutional, organic, or ordinary laws);

- They must be signed by the competent public official;

- They must be issued in written form;

- They must contain formal elements (official's signature, date of issuance/adoption, chronological number, application of the seal/stamp of the issuing authority);

- They must be countersigned when required by law;

- They must be issued in compliance with the voting procedure for acts adopted by a collective body;

- They must be published in the "Official Monitor of the Republic of Moldova" and brought to the attention of interested parties.

Failure to comply with these conditions of validity when adopting or issuing such acts results in their nullity or inexistence."

Taking these arguments into account and considering the individual nature of the administrative offense report, it must comply with the validity conditions outlined above. It

is important to emphasize that the administrative offense report cannot contravene the provisions of normative acts.

In analyzing the nature of the sanctioning act issued by the enforcement officer, the presumption of legality and soundness represents a complex and controversial aspect, which has generated practical difficulties and has been a subject of debate over time.

A key observation is that many offenses under domestic law can be directly detected by enforcement officers through their own senses (”ex propriis sensibus”). Other offenses, however, can only be proven using approved technical means. The latter do not pose significant problems regarding the proof of their existence, as it is well established that, in the event of a challenge, in the absence of evidence obtained through technical means, the enforcement officer cannot demonstrate the existence of the act reported in the administrative offense report (as the burden of proof rests with the officer!). In such cases, the court may annul the sanctioning act as unfounded.

If the act is directly observed by the enforcement officer, the presumption of soundness of the administrative offense report carries greater weight. Conversely, if the act is proven through technical means, the presumption of innocence becomes more relevant, as the soundness of the sanctioning act must be supported by evidence. In this context, the question arises whether it is equitable for the author of an administrative offense—usually of minor severity—directly detected by the enforcement officer, to be treated less favorably than the author of an offense established through approved technical means. In this second scenario, the burden of proving the existence of the act and the soundness of the accusation recorded in the administrative offense report rests with the enforcement officer.

In practice, situations may arise where two different individuals commit identical administrative offenses (for example, driving without a seatbelt). In such a scenario, one offense may be detected directly by the enforcement officer, while the other may be recorded using an approved technical means (such as a video device from a police vehicle, explicitly mentioned in the administrative offense report).

In this context, the question arises whether the fact that one offense is detected directly by the enforcement officer and the other through technical means constitutes an objective criterion that allows differentiation, from the perspective of legal protection, between the offenders. It is relevant to analyze whether the presumption of innocence of one offender carries less weight than the presumption of innocence of the person whose act was recorded using technical means.

Ultimately, whether discussing absolute or relative nullity, the crucial point is that, in the absence of an adequate description of the act, the judge cannot verify whether it constitutes an administrative offense. Similarly, the judge cannot assess the real and personal circumstances of the offense to determine whether the individualization of the sanction was properly performed by the enforcement officer. In many situations, the lack of a sufficient description raises questions regarding the officer’s competence. For example, an illegible report will be annulled. Reports that merely reproduce the legal text without providing a concrete description of the act will also be annulled. Additionally, administrative offense reports that do not include the identifying data of the speed-measuring device used for vehicles will be treated in the same way. In this latter situation, the court faces the challenge of verifying whether the documents certifying the metrological verification and inspection of the technical device, to be submitted to the case file by the police, indeed correspond to the device used for the actual recording.

Finally, it is the exclusive prerogative of the court, vested with the resolution of a challenge, to assess whether the description provided in the descriptive section of the administrative offense report, issued by the enforcement officer, is sufficient for judicial review. As rightly emphasized in doctrine, in some offenses, a brief description of the factual circumstances may suffice; however, in other cases, the absence of even a single element in the description can lead to annulment of the report, as that element may be essential.

In a simple example to be considered, when speeding offenses are committed, it is crucial that the enforcement officer specifies the location where the offense occurred in the administrative offense report. This allows the court to verify whether the violation took place within a locality or in a zone with speed limits on the road. For other types of administrative offenses, the omission of the location does not necessarily imply an incomplete description of the act.

Additionally, another example from judicial practice can clarify the importance of describing—or failing to describe—an administrative offense. It has been established that the absence of a note in the report indicating whether an expired product was refrigerated or frozen constitutes an omission of the act and leads to the annulment of the report. This is because the expiration date indicated on the product label depends on how the product is stored: 72 hours if refrigerated and 30 days if frozen (Ursuța, 2010).

From the above, it can be concluded that the administrative offense report constitutes an administrative act issued by a public authority vested with the competence to detect and sanction administrative offenses. It benefits from the presumptions of legality, authenticity, and veracity. Furthermore, it is enforceable. In other words, for the report to be valid and produce legal effects, its drafting must comply with a specific ”ad validitatem” form, fulfilling all substantive and formal requirements.

Administrative commissions represent a specific authority within the administrative offense procedure, having the competence to examine and adopt decisions in administrative offense cases. These collegial bodies carry out their activities in accordance with the Regulation of the Administrative Commission, approved by Parliament Decision No. 55 of 25 March 2010 of the Republic of Moldova.

The administrative commission has the duty to examine administrative offense cases delegated to it under the Contravention Code of the Republic of Moldova No. 218-XVI of 24 October 2008.

It is important to note that, in essence, the administrative commission assumes the role of a judicial body. This assertion is supported by the fact that, although the administrative commission is tasked with examining contraventional cases, the legislator has conferred upon it a status that entails applying procedures similar to those used by courts. Thus, administrative commissions are positioned as adjudicating bodies for administrative offense cases.

A relevant example is provided by article 6 of the Regulation on Administrative Commissions, which stipulates that the presence of the enforcement officer at the administrative commission session is mandatory. Furthermore, the failure of the enforcement officer to appear, without justified reasons and without prior notification to the commission, results in the termination of the administrative procedure (Verdinaș, 2006).

Administrative commissions, established by local councils (village, communal, town, municipal), operate within the executive branch of local public authorities. These collegial

bodies are composed of a chairperson, vice-chairperson, responsible secretary, and 4–7 members.

The chairperson of the administrative commission may be elected from among the deputy mayor or another commission member in situations where the position of deputy mayor is not provided at the local public authority level. In administrative commissions operating in the municipality of Chișinău, the chairperson may be a vice-prefect.

Additionally, administrative commissions may include representatives of civil society as members.

In exercising its duties, the administrative commission is accountable to the deliberative and executive representative bodies of local public administration.

The commission examines administrative offense cases in a public session, orally, directly, and in an adversarial manner. In the interest of maintaining morality, public order, or national security, the session may be declared closed. Furthermore, if the interests of minors or the protection of the private life of the parties involved so require, the session may also be held in closed session.

The administrative commission is obliged to examine administrative offense cases within 30 days from the date the case is registered by the responsible secretary. During the session for examining the administrative offense case, the parties involved participate in accordance with the provisions of the Contravention Code. The presence of the enforcement officer at the administrative commission session is mandatory. The failure of the enforcement officer to appear, without justified reasons and without prior notification to the commission, inevitably leads to the termination of the administrative procedure. The absence of the offender or, as the case may be, the victim, does not prevent the examination of the case.

During the examination of the case, the administrative commission clarifies and takes into account the following aspects:

- The actual existence of the administrative offense;
- Circumstances that may exclude the contraventional nature of the act;
- The culpability of the person against whom the administrative procedure has been initiated;
- The degree of responsibility of that person;
- The existence of mitigating or aggravating circumstances;
- The necessity of applying a sanction and, if applicable, the nature of the sanction;
- Other relevant aspects for a fair resolution of the case.

Additionally, the administrative commission may, as appropriate, conduct a preliminary inspection of the facts presented in the administrative offense report at the location where the offense occurred. During the examination, the commission complies with the procedural rules provided in the Contravention Code.

After completing all procedural stages during the case examination session, the administrative commission, in accordance with the provisions of article 441 of the Contravention Code, issues a decision. This decision may consist of applying an administrative sanction or, where appropriate, terminating the administrative procedure with a specific ground for termination. The decision is based on the verification and confirmation (or non-confirmation) of evidence that establishes (or disproves) the commission of the administrative offense and determines (or excludes) the culpability of the person. In this way, the commission ensures the fair application of legal norms in this context.

When deciding to apply an administrative sanction, it is important to observe certain requirements and principles:

- Compliance with the statute of limitations (Article 30 of the Contravention Code of the Republic of Moldova);

- Application of the sanction only within the limits of the sanction prescribed for the committed offense;

- Respect for the manner of applying sanctions in cases of multiple offenses (Article 44 of the Contravention Code of the Republic of Moldova);

- Consideration of mitigating circumstances (Article 42 of the Contravention Code of the Republic of Moldova), aggravating circumstances (Article 43 of the Contravention Code of the Republic of Moldova), and the personality of the offender (Guțuleac, 2009).

The decision of the administrative commission is adopted by a simple majority of the votes of the members present at the session.

The structure of the administrative commission's decision must be consistent with the structure of a judicial decision. It is composed of three essential parts: the introductory section, the descriptive section, and the dispositive section. The content of both the introductory and descriptive sections must comply with the requirements stipulated in Article 462 of the Contravention Code of the Republic of Moldova.

Specifically, the content of this decision will include the following aspects:

Date and place of adoption of the decision: This must be clearly specified to identify the moment and location where the decision was made.

Introductory section: This section presents the context and purpose of the decision. It may include information regarding the initiation of the case, the parties involved, and other relevant details.

Descriptive section: This section details the facts and relevant evidence forming the basis of the decision. The commission must clearly explain the reasons for reaching its conclusions.

Dispositive section: This is the final part of the decision and contains the actual ruling. Here, the applied sanction is specified or, in the case of termination of the administrative procedure, the ground for termination is stated.

Additionally, it should be noted that there is a specific issue concerning the status of the administrative offense report within the administrative offense procedure. Article 443 of the Contravention Code provides that: "In the event that the determination of the administrative offense falls within the competence of a collegial body, the administrative offense report shall be drawn up by the chairperson of the collegial body or by a member elected by a majority vote of the members present at the session during which the offense is established, or designated by the chairperson of that session, and it shall be signed by all members present at the session."

This provision highlights that the completion of the examination of the administrative offense is not carried out through the "drawing up" of the report, but through the act of "concluding" it.

It is important to emphasize that the term "conclusion" refers to a process or a specific procedure. Therefore, the administrative offense report is "drawn up", not "concluded". This distinction is essential to ensure clarity and consistency in legal documents.

Furthermore, it must be stressed that it is inadmissible for an act confirming a fact, such as the administrative offense report, to also contain a decision. The rule established by article 443 of the Contravention Code, according to which the dispositive part of the report must include the enforcement officer's decision regarding the sanctioning of the offender or the referral of the case to the court, along with a recommendation, if deemed necessary, concerning the sanction or termination of the procedure, must be properly applied within the administrative offense process and included in the administrative case file (Verdinaș, 2006).

The administrative commission's decision is adopted by a simple majority vote of the members present at the session. After adoption, the decision is signed by the chairperson of the session and by the responsible secretary, and the commission's seal is applied.

The decision is announced immediately during a public session and delivered against signature to the offender and the enforcement officer. In cases where the matter is examined in the absence of the offender, a copy of the commission's decision must be sent to the offender within 3 days from the date of pronouncement. The dispatch of the decision is recorded in the case file. Other participants in the examination of the case may obtain a copy of the decision upon request. In the case of legal entities, the administrative commission's decision is made public in accordance with the provisions of the Contravention Code.

The proceedings of each session of the administrative commission are recorded in a meeting minutes document. The minutes of the commission's session contain: the date (day, month, year), duration, and place of the session; the full names of the chairperson of the session, the responsible secretary, and the members of the commission present; information regarding the identity of the offender, including full name, date and place of birth, and address; the administrative offense subject to the report, including its legal classification; statements of the offender, the enforcement officer, and any witnesses present at the session; and notes regarding the pronouncement of the decision.

The minutes of the administrative commission's session are prepared during the session and drafted within 2 days after its conclusion. This document is signed by the chairperson of the session, the responsible secretary, and the members of the commission present. For each case examined by the administrative commission, the responsible secretary prepares a separate file, which includes the administrative offense report, the adopted decision, and other relevant documents related to the case.

It is important to note that the administrative commission's decision may be appealed in accordance with the provisions of the Contravention Code.

## Conclusions

Following the research on the nature of the sanctioning act issued by enforcement officers and administrative commissions within the contravention procedure, several relevant aspects have been identified.

Firstly, the administrative offense report represents an essential instrument in law enforcement. It may be issued either by the enforcement officer or by the administrative commissions. For the report to be valid, it must contain complete and precise information, including the data of the enforcement officer, a description of the offense, procedural notes, and the officer's signature.

It was also observed that the nullity of the report may occur in the absence of essential elements. For instance, the absence of the enforcement officer's signature can lead to the

absolute nullity of the report. Therefore, it is crucial that all these aspects are carefully addressed within the contravention procedure.

To improve the efficiency and fairness of law enforcement, the following legislative amendments are proposed:

- *Standardization of validity criteria:* It is necessary to clarify and standardize the criteria for the validity of reports issued by enforcement officers and administrative commissions. This will ensure consistency and transparency in the application of the law.

- *Control and verification:* Introducing mechanisms for the control and verification of sanctioning acts can prevent irregularities and errors in the process of identifying and sanctioning contraventions.

- *Accessibility and transparency:* The contravention procedure should be accessible and easy to understand for offenders. Proper information regarding their rights and obligations is essential for a fair and equitable process.

In conclusion, a careful analysis of the nature of the sanctioning act and the contravention procedure is necessary to ensure the protection of citizens' rights and to improve the enforcement of the law.

***"Laws will never hold sway in a state where the fear of punishment does not exist."***
***(Sophocles c. 497/496 – winter 406/405 BC)***

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